

# An Education In Victimisation: Personal Experiences Of Workplace Victimisation in the N.S.W Department Of Education, In The Context Of International Research Into Mobbing

Markus Heinrich Rehbach

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AN EDUCATION IN VICTIMISATION: PERSONAL EXPERIENCES OF WORKPLACE  
VICTIMISATION IN THE N.S.W DEPARTMENT OF EDUCATION, IN THE CONTEXT OF  
INTERNATIONAL RESEARCH INTO MOBBING

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Written by Markus Heinrich Rehbach.

Essential reading for anyone who is, or who plans to become, a teacher

# An education in Victimisation

International research into workplace victimisation a.k.a 'mobbing'

Includes my personal experiences with the N.S.W Dept. of Education

Markus Heinrich Rehbach

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## Responses to “An education in victimisation”

Laurel, May 8, 2009

Hi Markus, I am reading through your expose and am quite amazed that what happens in high schools is my experience in primary schools as well. Now I am retired, I am having to put up with the manner in which casuals are treated (“You earn more than us, take the lunch time detention class/second half duty/bus duty that goes ’til 4.30pm”). Recently I spent a day as a teacher-librarian. Librarians are entitled to 20 minute breaks between classes to put away books and do admin. They also don’t do playground duty, because they have to open the library at lunchtime. I was expected to carry out all the duties of a librarian with no admin time and made to do playground duty. When the librarian was due for a 30 minute break, I was put on a class with no warning or preparation time. The class teacher had not left any work. On another occasion, as I was teaching Year 5 and getting them to line up to go to the computer room, two boys started fighting and wrestling. I shouted at them to stop. Just then the principal came around the corner. He took in the scene and said “Meet me in my office after school.” At that meeting he told me my behaviour was unacceptable, that he would not have boys fighting at school and he would not have me shouting at his children. He said he would employ me the following day on another difficult class and would supervise me closely and send a report to Regional Office. Of course I declined his kind offer and never went to that school again, nor a whole lot of other schools where he was friends with the principals. He must have sent out emails to every school in the region as work dropped off to almost nothing for months, but has now picked up. As a result I will not teach years 4-6, and if principals persist, I state that it is not worth losing my teacher registration, as most years 4-6 are pretty much out of control these days. A recent survey showed 98% of teachers have been bullied in the workplace.

## Responses to “An education in victimisation”

Linda, May 9, 2009

Mobbing is definitely a form of violence, and something I was subjected to years ago, followed by the medicalization of a situation. I will never recover from the psychological effects of the terrible lies that were told about me and the feeding to the media – Fairfax – a dreadful story at the time I was applying for compensation for a forced transfer, resulting in the Sydney Morning Herald, Newcastle Herald and other publications writing that I was an abusive teacher who was mentally ill and had to be dismissed (and at the time the article was published, I was working full time, and there were no complaints about me). A photo of me walking down the court steps was published on Page 3. I had been an Acting Principal shortly before I reported that a teacher was abusing children. This caused a mob to form in the small town where I worked – a mob that destroyed my life with their false allegations against me in retaliation. Sometimes I stop and think of the thousands of people who saw that article in the paper stating that I had been dismissed due to going mad and abusing children and it is unbearable: all the children I have taught over the years, people I have worked with, my family, so many of them would have read the article. It is unbearable to think about and I wish I was dead. I retired early because of the slander and I try to enjoy the casual teaching that I do, while all the time hoping I never meet anyone who remembers reading about me in the papers.

## Preface

A friend's mother, a teacher, once warned me that 'People don't grow up, they just get bigger'. Bullies can make school a nightmare for children. The teachers and School management can make it a nightmare for other teachers.

Given the increasing de-regulation of labor markets and work places, the competition for scarce employment opportunities, and the clear failure of the IRC and legal system to protect victims, mobbing is on the rise.

Few people can afford to risk losing their job over it. So they put up and shut up.

I spoke up and got blacklisted.

Because of this blacklisting I have never been able to find reliable work, let alone start a new career. The other teachers at Bidwill H.S actually confessed that they envied me my assertiveness. They said that they 'took all their work problems home with them'. But assertiveness, in this unjust world, comes at a price. A price that most people will not risk paying. And so for every case like mine, there are thousands of cases that will never be exposed by the victims.

You can find me on the internet using the search term 'TROONATNOOR'.

All supporting documentation for this book can be downloaded from the web.

If you happen to be a lawyer, and think you could successfully sue the Government for me, on a no win no fee basis, then please contact me. I would give any compensation I received to charity.

Until the legal profession is socialized, and everyone has free access to legal resources, there can never be any real social justice.

A privatised legal system will never be focused on justice. It will be focused, like any business, on profit.

Governments and big businesses can afford to pay the most expensive lawyers, like Queens' councils, who will draw out legal proceedings until the working person runs out of cash and/ or time.

The IRC is part of the problem. It is, after all, working for the Government, so no sane person would expect it to serve the interests of justice for the average working person. It is just one big 'old boys' network. They look after their own.

And there are simply too few Ombudsmen to meet the huge demands made upon that office. The Government does not want to fund professionals whose job it is to hold the Government and its representatives accountable for their actions.

Laws and rights are meaningless unless people can afford to exercise them in a court of law.

We, the average person, might as well be living in a fascist dictatorship, for all the good our legal rights and protections offer in practice.

The Social Contract, by way of which we give up our rights to 'natural' justice to the State, in return for its protection, is only valid as long as *it* holds up *its* end of the contract. It cannot expect people to obey the law, when it itself flouts it at every turn, and is never held accountable.

My experience is that any contract only means anything if both parties enter into it in good faith.

And then when one party fails to act with integrity and honor, the only way the other party will see justice is if they are willing and able to spend a lot of time and money fighting their way through a legal system designed to benefit the legal professionals, rather than the injured parties.

As you will soon see, the N.S.W Department of Education enters into its contracts in bad faith, with no intention of honoring them. It also lies to prospective employees, to trick them into accepting positions that they would otherwise reject with good reason.

## **An education in victimisation: Abuse of human rights and denial of natural justice by the N.S.W Department of Education**

The N.S.W Department of Education and Training is Australia's largest single employer. The Dept. is a toxic workplace. An independent Consultancy by David Lowe Consulting proved that the Dept. colluded and conspired with HealthQuest psychiatrists to have whistleblowers and 'inconvenient' employees defined as 'unfit for service'. The Education minister will not answer any questions in parliament that would reveal the moral bankruptcy, incompetence, and corruption that defines the Dept. No one is holding the Dept. accountable. There are no laws to protect whistleblowers from victimisation.

Go to my TROONATNOOR webpages to view all my supporting documents.

## **A brief overview of my experiences with the N.S.W Department of Education**

Formal submission by Markus Rehbach to Judge McLeay re: IRC 04/385, application for relief from unfair dismissal

All document references are handwritten on the top right hand corner of the documents I have provided in support of my application. All of these documents can be viewed at my TROONATNOOR webpages. I have formed the laudable habit of taking notes during important interactions. Interlocutors can complete their statements without interruption, after which I can return to important points. For this reason I can confidently quote people verbatim. I offer all quotes with the same legal character as that of statutory declarations.

1.I was made an offer of permanent employment at Bidwill H.S, as Teacher Business Management/Economics.(See document joboffer.tif). A psychiatric assessment was not a condition of that contract.

2.At least 19 other teachers had refused the same offer of employment. I can provide personnel records of each of these offers. They did this in spite of the high unemployment rate of economics teachers, and the resulting threat of losing their 'priority date'. This is important in the context of the systemic discipline and teaching difficulties which define the teaching environment of Bidwill H.S. My employer has sought to define these systemic features of teaching at Bidwill H.S as personal problems of myself.

3.I told staffing that I was wary of accepting the offer as I had already experienced problems at Bidwill H.S. They said that if I had problems again that they would help me.

4. I had been employed as a Teacher-Business Management/Economics. The principle, Gail Wykes, had never planned to honour my employment contract. She entered into the contract in 'bad faith'. (See document badfaith.tif)

5.I was forced to teach 23 classes a week of Geography. The rest of my teaching timetable consisted of Maths and Travel and Tourism. (See document timetable.tif)

6. I was not "accredited" by the Dept. to teach any of these subjects. I had never requested, nor would I have ever been granted, the status "not accredited-willing to teach" any of these subjects. (See documents qualifications.tif , teachingareas.tif)

7.I experienced this situation as harsh, unfair, and unjust, both to myself and to the students in my care. The majority of staff at Bidwill H.S, however, did not empathise with me in any way, and in fact resisted, hampered, and resented my attempts to address this situation.

8.My employer is responsible for the inevitable problems and conflicts that arose due to their failure to honor the employment contract. I understand that a contract, is a contract, is a contract. The Dept. apparently have a much looser definition of a contract. (See documents ministerreply.tif , noonan.tif) My Employer's representatives have informed me that it was in fact "naive" of me to have expected the "luxury" of having my employment contract honored. It will be a matter for the IRC to decide whether an employment contract is binding on both parties or not. I believe the IRC would be setting a dangerous precedent if it determined that contracts were not legally binding.

9.I lodged grievances concerning this untenable situation. I requested that I be removed from the school due to the victimisation that I had experienced and which I expected would escalate. ( See document grievances5.tif) My employer failed to take reasonable steps to avoid further victimisation or conflict. My employer cannot therefore blame me for the problems and conflicts that arose out of my employer's failure to honour the employment contract, and failure to take reasonable steps to avoid an escalation of those problems and conflicts.

10.I lodged several grievances against my acting head teacher, Jacob Appleby, for unprofessional behaviour bordering on physical assault. (See documents appleby.tif and appleby1.tif , appleby2.tif)



11.I lodged grievances against the Principal, Gail Wykes, and the District Superintendent, Chris EVans, for unprofessional behaviour, 'bullying', and threats including those made to me by Gail Wykes to "go out quietly", as "what happened here would follow me to my next school". The principal had also threatened that if I pursued my grievances, reports would be written criticising my competence and behaviour. It was reasonable, in this context, for me to take misleading comments made by the District Superintendent, Chris Evans, that he could annul my probationary appointment at any time, as threats. He did in fact act on these threats, and recommended my annulment. (See documents wykes.tif,wykes1.tif,wykes2.tif ,wykes3.tif ,wykes4.tif ,wykes5.tif ,wykes6.tif ,wykes7.tif )

12. My original grievances re: the failure of my employer to honor their employment contract, were not addressed for over four weeks . I had appealed to the Director of Staffing, Greg Noonan, both in person and in writing, to be removed from the school, due to victimisation that I had already suffered, and had reasonable grounds to expect in the future. Mr Greg Noonan, as Director of Staffing, insisted that my situation did not warrant being removed from the school. I cautiously agreed to return to Bidwill H.S as an ESL support teacher, while awaiting a "nominated transfer". I did this out of good will, and a recognition that the interests of students of Bidwill H.S would be best served as a result. (See documents grievances5.tif , noonan.tif )

13.My supervisors and other school staff openly resented the fact that my grievances had finally been recognised as valid and had been addressed by staffing. I was placed on a "nominated transfer list", which for all intensive purposes meant that I had every chance of being 'promoted' out of Mount Druitt District and would be teaching years 11 and 12. The staff of Bidwill also clearly resented this.

14. Within a few days of staffing having addressed my original grievances, a member of staff had violated my privacy and had gone through a folder I had lent to a Ms Chu, to show her boyfriend. The folder contained a philosophy manuscript that I wanted his opinion on, as Ms Chu had expressed to me that he wrote philosophy himself, and was interested in what I had written. I was not aware that any poetry had been left in the folder. I had not intended for anyone to read that poetry. I had no intention of bringing that poetry to school, let alone having it read, or distributed amongst the school community. My original intention was to write a heavy metal song, which I had hoped to have recorded one day by a heavy metal band.

15.Members of staff, without my consent, which I would never have given had it been requested, not only read my personal documents, but apparently made 40 copies and distributed them amongst the wider school community. This wider community was then lied to that I had handed out these copies of a poem to them with the intention of threatening their safety. (See document proofofconspiracy.tif )

16.On March 14 2000, I was directed to "alternate duties" at Mt.Druitt

District Office. The next day, March 15 2000, the District Superintendent, Chris Evans, read out allegations to me that the Principal, Gail Wykes, had written, which stated that Gregg Freeman had alleged that I had "handed out copies of the poem to all the members of staff, as a threat". The Staff Welfare Officer was at this meeting as my witness. She was also well aware of the allegations before the meeting took place. She had in fact corresponded with a Ms. Kylie Herring from Industrial Relations services (IRS) about these allegations.(See document proofofconspiracy.tif ) Ms Kylie Herring was later assigned to be the "case manager" for my grievances. It appears that Linda Watts (SWO), had colluded with Greg Freeman, Leading Teacher-Resources, the Principal Gail Wykes, the District Superintendent Chris Evans, and Ms. Kylie Herring (IRS), in 'covering up' for Gregg Freeman and/or Gail Wykes, the fact that at least one of the two had maliciously made false allegations about me.

17.I immediately contacted a former colleague, Ms. Chu, The probationary L.O.T.E teacher at Bidwill H.S, regarding these allegations. She was quick to apologise, and apparently informed Chris Evans that the allegations were false, and about how that poem in fact had come to be circulated. I played absolutely no active part in the distribution of that poem. No legal responsibility for the consequences of the distribution of that poem can be assigned to me. That poem was criminally copied and maliciously distributed against my wishes and interests. The nature of the poem was maliciously misrepresented with the criminal intention of damaging my reputation and

inciting the community of Bidwill H.S to fear me. Many official documents spread propaganda concerning 'threats' that I am alleged to have made, and "a history of aggression". Security guards were installed as part of an orchestrated dramaturgy intended to scare people and define me as a threat. I can provide copies of such official propaganda.

18. I requested a copy of the original allegations that Chris Evans had read out to me. Chris Evans would not give me a copy of these allegations. The 'report' he did give me did not include the original malicious allegations. I have been requesting a copy of the original allegations in every appeal I have lodged since March 15, 2000.

19. Linda Watts, The Staff welfare officer (SWO), who had known about the allegations before the meeting, and who had volunteered to be present at that meeting as my 'independent' witness, denied that such allegations had been read out to me. In fact Linda Watts arranged a psychiatric assessment of me, to have me certified as 'unfit for service'. (See document healthquest3.tif ) She lied to me about the nature of that appointment, telling me that the appointment was for a "General Probationer's Medical". Had I accepted her word, I would have turned up for a psychiatric assessment fully unprepared. I would have attended without informed consent, which is contrary to the official guidelines issued by HealthQuest at that time. Not one Departmental document regarding this appointment indicates anywhere that the appointment made for me at HealthQuest was for a psychiatric assessment. In other words the Staff Welfare Officer had sought to gain a psychiatric assessment of me by means of deception. This is a violation of the United Nations Convention on Human Rights at Article 19. Judge Schmidt has noted the same in the Kerrison case before the IRC. (See document healthquest4.tif )

20. I had to speak with the Director of HealthQuest, Mr Casolin, to discover that the appointment that Linda Watts (SWO) had requested was in fact for a psychiatric assessment. If I had not taken the initiative of insisting to speak with the Director of HealthQuest, I would not have discovered the nature of the appointment until I had arrived, fully unprepared. Mr Casolin, Director of HealthQuest, then told me that I was well within my rights to postpone the assessment until I had all the "background information" that I needed. I had postponed that appointment until Chris Evans would provide me with a copy of the original allegations he had read out at the meeting of March 15, 2000. I needed a copy of these allegations to demonstrate that the Principal, the District Superintendent, and the Staff Welfare Officer, had all colluded in a conspiracy to deny me the truth, and the natural justice that that truth would have allowed me to attain. No psychiatrist who had been deliberately misinformed by Linda Watts about my situation, would be in a position to accurately assess my mental well-being in the absence of that "background information". Mr Casolin, the Director of HealthQuest, agreed with me on this point. (See document hqgrievance.tif )

21. Linda Watts (SWO), in her "request for a HealthQuest appointment", had deliberately misrepresented the facts of my case, including direct lies, omissions, misrepresentations, and innuendos. (See documents healthquest1.tif and healthquest2.tif )

21. I offered then, and have repeated this offer consistently, that I was "keen" to undertake a psychiatric assessment done by any independent psychiatrist, whose opinions of me had not been contaminated by Departmental propaganda. (See documents grievances5.tif , mhrgrievance1.tif , and grievances2.tif ) It was well within the powers of The Director General of Education, according to the Teachers services act of 1980, to arrange an appointment for me with any Psychiatrist of his own choosing. (See document healthquestalternative.tif ) He was not bound to using the services of HealthQuest. My employer cannot annul me for failing to attend an appointment that they themselves were unwilling to make for me. If there was any genuine concern for my health and wellbeing, then my employer would have made an appropriate appointment for me with an independent psychiatrist. My employer had every opportunity to arrange a neutral and unprejudiced psychiatric assessment.

22. I was not aware at the time of the widespread abuse of "HealthQuesting" in which the Education Dept. deals with inconvenient employees through the administrative expedient of having them assessed as 'unfit for duty', and then 'medically' retired. My suspicions, however, have been justified by an independent report on HealthQuest commissioned as a result of over 44 complaints of "HealthQuesting". The majority of these complaints were raised

by employees of the Education Dept. HealthQuest has been reformed as a result of these complaints and the report. I can provide documents concerning these complaints and the report written by Lowe consulting

23. I followed the grievance procedures right up to the Director General, Dr Ken Boston. In my grievances I met my obligations under the 1994 Teaching Services Regulation and 1997 Code of Conduct to report breaches of the Teaching Services Act 1980, Section 83, with reference to maladministration, corruption, discrimination and harassment. The Director General failed to respond to my official report, and failed to investigate my allegations. My employer, the Director General of Education, Dr Ken Boston, failed to meet his legislative obligations to investigate the alleged breaches of the Teaching Services Act 1980, section 83. (See document grievances4.tif). Every attempt I made to follow up on my allegations with Dr Ken Boston per telephone was prevented by his secretary. The District Superintendent's eventual response to my grievances, with which the

Minister for Education appeared to concur, was to direct me "home on pay".

He then apparently delegated the investigation of my grievances to the Industrial Relations Services. This is how Ms Kylie Herring came to be the "case manager" for my grievances.

24. My employer claims to have sent me a letter offering me the chance to argue why I should not be annulled. They either never sent it, or sent it to an address at which they knew I no longer lived. (See document proofnomail.tif) That letter was, according to a postscript scribbled on a copy of a draft of the letter provided to me, sent by registered mail. Other letters had also been sent by registered mail, and were either returned to sender, RTS, or signed for, against the Post's own regulations, by an Elke Rehbach. My Employer has provided no receipt to prove that they in fact mailed the letter. If they had mailed that letter, then they would have a receipt. If it was 'returned to sender', or if someone other than myself had signed for it, then they would have known that I had not received it. Had my employer been genuine in seeking to contact me, my employer could have telephoned me. My employer was obliged, under the legislation under which I was employed, to inform me of their intention to annul my probation and employment, and to give me 14 days in which to respond as to why I should not be. My employer has legally failed to meet their obligations. My annulment cannot be considered, for all intensive legal purposes, ever to have taken place. My employment has never been legally terminated, and as such my service has been continual since January 28, 2000. If my employer wishes to annul me, then they will have to continue the proceedings that they began in 2000, and send me a letter advising me of their intention, and giving me 14 days to respond as to why I shouldn't be annulled. (See documents wheresreceipt.tif, rtswhat.tif, mailmother.tif, mailreturntosender.tif) They had my phone number but did not call me. (See document contactdetails.tif). This is further grounds for consideration that I was the victim of a conspiracy to deny me natural justice. Had they genuinely wanted me to be informed about their intention to annul me, and to offer me the chance to argue why they shouldn't, then they could very easily have called me. (See document nomail.tif)

25. Later the Dept. claimed that;

- a. my failure to respond to that letter;
  - b. my failure to attend a HealthQuest appointment;
  - c. my authorship of a piece of creative expression;
  - d. the problems and conflicts that arose at Bidwill H.S and Mount Druitt District Office;
  - e. my incompetence at teaching geography, Mathematics, and Travel and Tourism; and
  - d. discipline problems experienced in some of my classes:
- all justified my annulment and subsequent blacklisting.

However, none of these grounds given for my annulment were or are valid.

26. I never received timely notification advising me that I was to be annulled, and offering me the chance to respond as to why I should not be. I did not "fail to respond" to such any such notification.

27. I had been informed by Dr Casolin, the Director of HealthQuest, that I was well within my rights to postpone any HealthQuest appointment until I had the "background information" I needed. I had not "failed to attend" any HealthQuest appointment. I had actively "postponed" the two appointments made for me, until I had

the “background information” I had been requesting since March 15, 2000. My employer failed to provide me with the background information I needed to attend a HealthQuest appointment after HealthQuest had been misinformed about my situation and behaviour. My employer failed to exercise my employers legal power to arrange an alternate psychiatric assessment by a neutral and unbiased medical practitioner. My employer themselves thus prevented me from being psychiatrically assessed, and is therefore responsible for this situation. Further, there were not, and are not, any medical grounds whatsoever for seeking a psychiatric assessment of myself. This ground for annulment is invalid.

28.The mere fact that I wrote a poem 10 years ago was no justification to request an “urgent” psychiatric assessment. My authorship of that poem was never grounds to direct me to “alternate duties”, nor to hire security guards. Authorship of any form of artistic expression is a private matter, and not a public issue. My privacy and legal rights had been violated by the multiple-copying and maliciously motivated distribution of that poem. I had never had the intention of showing anyone that poem, let alone anyone from the Dept. of Education. I cannot be held responsible or accountable for the effects of the distribution of that poem. Other employees of my employer are responsible, and must be held accountable for that. Any damage done was as a result of their distributing that document, and not as a result of me having authored it. This ground for annulment is invalid.

29.My employer is responsible for the problems and conflicts that arose over my grievances, as they resulted from my employer’s breach of contract and the offering of a contract in ‘bad faith’, with absolutely no intention of honoring it. This ground for annulment is invalid.

30.I had stated from the beginning that I had no competence to teach Geography, Maths, or Travel and Tourism. I cannot be held responsible for my employer’s decision to force me to teach subjects I am incompetent to teach. It cannot be considered appropriate to assess my competence as a Business Management/Economics teacher by referring to my incompetence as a Geography, Maths, and Travel and Tourism teacher. This ground for annulment is invalid.

31. The school management failed to do their duty with regard to providing support for the management of discipline. They failed to provide a discipline officer, and failed to offer me any intensive support program for beginning teachers (See documents problemsnosupport.tif ,nosupport.tif , nosupport3.tif ), even though Ms Kylie Herring (IRS) had recommended this course of action.(See document proofnosupport.tif )

31a. My employer is responsible for assigning me, as an inexperienced probationer, the most difficult classes in one of the most difficult schools in

Australia. My employer defined Bidwill H.S themselves as such directly  
(See documents problemsnosuppport.tif ,specialneeds.tif ,probationsupport2.tif ,expulsions.tif )

31b. This definition of Bidwill H.S is implicit in the “points system” for transfers and appointments that my employer uses. My Employer has not yet provided the documentation I have requested on this points system that I applied for under my F.O.I application. This ground for annulment is invalid.

32.The references made to any failure to carry out duties refer to ‘unreasonable’ and ‘malicious’ directions. I was directed to lower a student’s test scores. I of course ‘failed’ to do so. I was directed to enter rolls on the computer at an arbitrary time maliciously chosen by Jacob Appleby to deliberately and unnecessarily inconvenience me. I entered the rolls well within the timeframe in which they were needed.

33.My employer has never had legitimate or compelling grounds to annul me. My employer first sought to have me certified as ‘unfit for service’, and then simply annulled me, as an administrative expedient, as a convenient alternative to investigating and addressing my grievances. There is not one compelling ground that I can be held responsible for, or accountable for, for ever having begun any proceedings against me, let alone having annulled and blacklisted me.

34.Documents released to me under a Freedom of Information Application support all of the above contentions. I have not seen one document that justifies my employer’s decision to annul my probation. These same

documents provide many reasons to consider that a wide ranging conspiracy, both of active collusion, and of passive failures, existed and exists, to deny me the truth, and the natural justice that that truth would demand, and facilitate.

35. I am filing my own appeal for relief from unfair dismissal based on the similarities of my case with the Kerrison case. My employer is currently contesting Judge Schmidt's verdict in the Kerrison case, and seeking to appeal Judge Schmidt's rulings. See: Industrial Relations Commission of N.S.W in Court Session-Kerrison v N.S.W TAFE Commission (2003) NSWIRComm76. File No: IRC3124 of 2000.

36. Judge Schmidt overruled the TAFE submission that the IRC had no jurisdiction in this case. Judge Schmidt also ruled against my employer's contention that, as Ms. Kerrisons application was "grossly out-of-time", it should not be accepted. I anticipate that Judge Schmidt's ruling will not be overturned, and as such wish to appeal to the Kerrison case as a precedent for my own case. In this sense I am appealing to the IRC that it exercises its discretion in allowing my appeal for relief from unfair dismissal, although it is in fact "grossly out of time".

37. In support of my appeal for the IRC to exercise this discretion, I wish to state that Mr. Chris Evans (Mt. Drutt District Superintendent), Mr Wayne Freakley (D.E.E.T Legal Services Unit), and Mr Peter Phelps (D.E.E.T Industrial Relations Services) all volunteered to me that my case was closed, that I had no right of appeal, and that I had no other means or avenues available to me to seek any legal remedies for my situation.

38. I sought independent legal advice, under the terms of legal aid, from a solicitor supposedly specialising in Industrial Relations matters, next to Seven Hills railway station. This solicitor listened to my description of my situation vis a vis my annulment, and then stated unequivocally that as a probationer I had no right to apply for relief from unfair dismissal, and that my failure to attend the HealthQuest appointments in any case meant that I had not met my obligations as a probationer, and therefore the Dept. could annul me as they pleased. This advice did not contradict anything that I had been told, or lead to believe, by any employees of my employer that I had ever had contact with.

39. I sought independent legal advice, under the terms of legal aid, from a solicitor supposedly competent in Industrial Relations matters, next to Seven Hills railway station, a few days after my meeting with Mr. Freakley and Mr. Phelps. This solicitor listened to my description of my situation vis a vis my annulment, and then stated unequivocally that as a probationer I had no right to apply for relief from unfair dismissal, and that my failure to attend the HealthQuest appointments in any case meant that I had not met my obligations as a probationer, and therefore the Dept. could annul me as they pleased. This advice did not contradict anything that I had been told by, or lead to believe, by any employees of the Dept. that I had ever had contact with.

40. I was very depressed and disillusioned with all that had taken place. I had no reason to believe that any of my grievances had ever been investigated. I had never been shown any evidence. In fact persons claiming to have been the most senior persons responsible for the investigations of my grievances demonstrated that they had absolutely no idea about the details of my grievances. They referred to documented incontrovertible facts as allegations. (See documents minutes1.tif.tif , minutes2.tif.tif , minutes3.tif.tif ). Documents demonstrate that the no genuine investigation ever took place. The IRS investigators merely "assumed" that whatever they were told was true. (See documents assume1.tif,assume2.tif). Key witnesses were either never approached, as in the case of Mr. Geoff Berry, or not asked the most significant questions, as in the case of Ms. Shyan Chu.

41. I had been blacklisted from any government teaching in N.S.W. Other states required that I inform them as to whether I had been blacklisted. All of my friends and family in any case lived around Sydney, and in Germany. My friends advised me to try to forget what had happened. Everyone thought a change of environment would help me overcome the victimisation I had experienced. I decided to leave Australia and go to Germany, where I could at least find some sort of work suited to my training and vocation. The only work available there was casual, and with very poor conditions. In any case I was very depressed and disillusioned with people after the victimisation I had suffered at the hands of people I should have been able to trust. This victimisation haunted me, and continues to haunt me. I returned to Australia a few times, each time determined to find some justice by getting my case investigated. Every time I was to face the same sort of Departmental response, and every time I gave up in despair.

42. It was only recently that my Newstart Jobsearch Case manager recommended that I approach my local State MP about my experience. My local State MP suggested that I contact the Premier's office. My local member and the Premiers office contacted the IRS on my behalf, and explained my situation. The IRS called me back, and directed me to the Kerrison case. I studied this case and came to the conclusion that my case was similar enough to anticipate success. The Premier's office also directed me to a web search, through which I became informed about the

43. similar cases of "HealthQuesting", the independent report into HealthQuest and subsequent 'reforms' of HealthQuest, the Questions raised in Parliament concerning such cases of victimisation ( and their not answers), and various articles concerning 'whistleblowers' who had been, and who were currently being, victimised by my employer.

44. Recognising that I had a moral obligation to pursue my particular case as it did reflect a systemic problem, that there was an avenue open to me to pursue natural justice, and that the IRC had granted Ms. Kerrison natural justice after many years, including years of hearings, I came to the conclusion that I must file an application for relief from unfair dismissal with the IRC, even though it would be grossly out-of-time.

45. I wish to appeal to the notion of natural justice, which would be denied me, if through no fault of my own, my application was denied. Had I been aware at the right time that I could apply for relief from unfair dismissal with the IRC, then I would have contacted them immediately, and found out that I had 21 days to apply, and I would have travelled into Sydney to file my application personally. I believe that the interests of the state, and the interests of natural justice, will best be served by exercising the available discretion, and allowing my application, as grossly out-of-time as it is.

46. I believe that my employer had a moral, if not legal, obligation, to inform me of my rights to seeking relief from unfair dismissal from the IRC, and of my obligations to file for such relief within 21 days of being annulled. I therefore appeal to you and the IRC to exercise the available discretion and allow my grossly out-of-time application. 45 .I intend calling the following witnesses;

46a. Ms. Kylie Herring and Ms Linda Watts: to explain the context of their correspondences concerning the allegations made at the March 15 meeting ( See document proofconspiracy.tif);

46b. Mr. Geoff Berry, Training and Development/Curriculum coordinator, Mt Druitt District Office: to prove that Chris Evans did in fact admit, at the meeting of 30/03/2000, that the report I had been requesting, did exist, but that I would never be given a copy of it, and as witness to Chris Evans barely controlled rage. Chris Evans did in fact very angrily wrench the pencil with which I was taking notes, out of my hand, and aggressively direct me to leave the District Office within a few minutes. (See document witnessreport.tif);

46c. Ms. Shuyuan Chu, Languages Teacher at Chifley College-Bidwill Campus: to prove that Gregg Freeman has lied concerning threats he alleges I had made to her on a number of occasions (See documents freemenlies.tif , propaganda.tif, chulies.tif, and refreemenlies.tif ); to describe the context in which she apologised to me on March 15; and to express clearly and unequivocally that the only fear that she has in fact ever had in relation to me was that if she sought to help me, she herself would be victimised by my employer, who is also her employer;

46d. Dr Casolin the then Director of HealthQuest: to prove that I never failed to attend any appointments, rather I had them postponed, with his support, until Chris Evans would release a copy of what he refers to as an "internal report", and which represented the 'background information' I needed; and to comment generally on HealthQuest procedures re: informed consent.

47. Please note that I had consistently requested that Mr. Geoff Berry be interviewed concerning Mr. Chris Evans Behaviour on the day he forced me to leave Mount Druitt District Office. Ms Chu has never been asked about our conversation of March 15. Further, Val Macauley contacted Ms. Chu days after Gregg Freeman and Gail Wykes allege I had threatened her. They alleged that she went to the police to report these alleged threats. Ms. Chu made no mention of any such threats to Val Mcauley. Val Macauley failed to ask Ms. Chu about Ms. Chu's fears that

Ms Chu would be victimised if she provided me with any further information regarding my grievances. (See document refreemenlies.tif )

48. I am seeking that the IRC should determine that the annulment of my probation was never legal. I seek that the IRC order that my employer should treat me as if I had never been annulled, and provide me with all lost wages, superannuation, entitlements, and recognition of service, that I would have received had my probation not been unfairly annulled. I seek that the IRC order that my employer honor the contract that my employer made with me in January 2000. I seek that the IRC determine that it is not legal for my employer to force its employees to teach subjects that they are not accredited to teach. I seek that the IRC determine that it is unfair for probationer teachers to be assigned to the most difficult classes and schools in their probation year.

49. There is no substance to the constant propaganda spread within the Education Department that I have ever threatened anyone. Policing resources have been tied up with vexatious and frivolous allegations. Such lies, omissions, and misinformation have been maliciously directed at intimidating me to be silent about the injustices that both students and teachers alike have been forced to suffer, due to the unwillingness of my employer to recognise systemic problems within the Department of

Education, particularly in the Mt. Druitt district. I have a moral duty to pursue this application with the IRC. I appeal to the intention or spirit behind the law, to provide relief from unfair dismissal, should my application be considered 'grossly out-of-time' by the exact letter of the law.

50. I believe that the actual documents that I have provided, together with a detailed description of the context in which they are embedded, will provide enough substance to judge my application, even in the event that the witnesses I have identified can not be located or compelled to attend hearings. I have put together a detailed account of my experiences within the Department of Education. I cannot afford to print this document, however I can provide both the IRC and Mr. Quinn with a CD rom copy of it. The document can be viewed online at [http://geocities.com/eden\\_protocols/mobbing.html](http://geocities.com/eden_protocols/mobbing.html)

51. I hereby state that this document, for all legal purposes, should be considered to be a statutory declaration. It is with this sincere intention that I sign this document.

Markus Rehbach

Wagga Wagga, March 21, 2000.

Our cast of characters

Chris Evans, district Superintendent of Mount Druitt district office at the time of these events

Gail Wylkes, Principal of Chifley College-Bidwill Campus

Linda Watts, Mount Druitt district staff welfare Officer

Greg Freeman-Head of Social Science Faculty at Chifley College-Bidwill Campus

Mr Shaun Addy, Head Teacher History, Probationer coordinator and Teachers Federation Rep. at Bidwill

H.S

Greg Noonon-director of Staffing at Blacktown at time of appointment to Chifley College-Bidwill Campus

Val MaCaulay, current director of Staffing at Blacktown

John Dunnington-current Assistant director of Staffing at Blacktown

Ms. Shuyuan Chu, Languages Teacher at Chifley College-Bidwill Campus

Ms. Kylie Herring, Industrial Relations Officer

Mr. Wayne Freakely, Legal Services Unit

Mr. Peter Phelps, Industrial Relations

Mr. Casolin, Director of HealthQuest, at the time of my referral a part of the N.S.W Department of Health

Mr. Geoff Berry, Training and Development/Curriculum coordinator, Mt Druitt District Office



## **My experiences as a casual teacher**

I had waited many years for a teaching job, during which I had taught casually in Canberra, Western Sydney, London, and Germany.

## Bidwill H.S

I recall, during some casual teaching at Chifley College-Bidwill Campus, having teachers complain to me quite aggressively that casual teachers got paid more than themselves, full time teachers. Provoked into responding to such an invalid statement, I showed them the calculations which clearly showed that casuals, whilst earning more per day, ended up thousands of dollars worse off, even assuming that they were lucky enough to find work every day. The then Leading Teacher and/or Teacher Federation Rep, Mr Gregg Freeman, very aggressively confronted me about joining the union. I told him that I felt that the union did little for casuals, and in any case consistently sold off the interests of the students to gain pay rises.

Gregg Freeman would not give me a copy of my teaching timetable. He merely stuck one to the door of the 'Social Sciences faculty staffroom. He wouldn't let me copy it to keep with me. He would not accept that I thought that casual teachers should be employed on a similar basis as permanent teachers, and assigned to whichever school needed them on any particular day, and on other days perhaps help with class preparation and provide other support. (I discovered recently that a similar system was now operating near Liverpool. Casual teachers were employed full-time and assigned to schools in the area on a needs basis). He would not accept that I felt it was wrong of the Department to force teachers to teach casually (In order to be eligible for any offer of permanent employment), or that my solution would be fairer to the teachers and students. He felt it was good that in future no teacher would get a permanent position unless they had been available for, and had accepted any offer of, casual teaching. My experience that teachers avoided casual teaching because of the unfair conditions they were forced to work under was not validated by Gregg Freeman. Unhappy with my responses to his bullying, Gregg Freeman, asked the deputy principal to cancel the rest of the few weeks work he had contracted me for, for vague reasons. I only learnt this later, from the Deputy, Mr Burnitt.

The deputy then cancelled the rest of my contracted teaching assignment. I told him that I had given up other work offers to keep my end of the deal. He got aggressive, and wouldn't listen. I told him he had an obligation to honour our agreement. I called the Education Department and explained my situation. They then contacted the Principal, and told the Principal that he had to honour his end of our agreement. He became very friendly and told me to forget what had happened, and never to say anything to anyone. He smiled real friendly like and said "just keep it between us" as a "misunderstanding". There was no misunderstanding. Until now I had done as he wished. Pendle Hill H.S

Casuals only had sick leave under certain limited conditions. Within the first 6 months of casual teaching it was virtually impossible to be eligible for sick leave. Of course casual teaching is extremely stressful, and most work is offered during winter, when many teachers and students have colds and flues. Of course casual teachers are then exposed to these, and prone to be sick as a result. The Deputy Principal of Pendle Hills H.S went even further. She believed I should not be granted sick leave at all. She went so far as to lie to me about having sent in my sick leave requests. Only when I later found my sick leave application forms were still in her in-tray many days after I had submitted them, did I confront her about them. She stated that she had had no intention of sending in my sick leave forms. She stated that she was going to stop me being paid sick leave. I asked her about this. She stated fairly aggressively that in her opinion I didn't deserve sick leave. I contacted the Education Department who then told her to send my sick leave applications in, as she had no right to make any judgment about my sick leave entitlements. She then informed me that she was lodging a request to have my casual teaching eligibility revoked. I lodged a formal complaint against her for this behaviour. I will come to her reports and my formal complaints concerning her and her school later.

I remember that Pendle Hill H.S had won some prize for excellence. A camera crew were filming in the school. The maths class I was asked to teach had been moved from their normal classroom for no given reason. It was later clear, and stated by other teachers, that the class I had be assigned were typically unruly and disruptive, and the principal did not want the camera crew to get them on camera, or even hear them in the background. This is typical Education Department behaviour in my experience. Management focus on Impression management rather than substance. The reality is not important, rather that they make a good impression on the public, often a misleading one. In fact soon after a meeting with the Principal in which I expressed a concern at a lack of school support for discipline- I had been constantly told that all discipline is the classroom teacher's responsibility; I was witness to the Principal requesting that a student pick up some rubbish they had just dropped. The student told her, the Principal, who was standing next to me and the Deputy in one of the rare occasions these two 'managers' ever ventured outside of their offices, to "fuck off". She simply ignored this as if it had never been said. Why? Because a few moments earlier she had been telling me how successful the school was at behaviour management!

## **Plumpton H.S**

I have been assigned classes that normally were taught and supervised by at least 3 teachers, including a Special Needs Teacher and Teaching Assistant. This was common at Plumpton H.S. These classes were particularly challenging classes. It was impossible to maintain order alone. Requests for assistance went unanswered. I was told I was doing well, when I felt the situation was actually dangerous. I was, as a relatively inexperienced casual teacher, teaching a class usually taken by a number of specially trained and experienced teachers. This was fairly typical of my experience teaching casually. The most challenging classes were offloaded onto casual staff. This arose as the teachers of these classes were more often on sick or stress leave, and no-one in the school was willing to 'cover' these most challenging classes.

## **Mt.Druitt and Parramatta District in general**

During my time in Mount Druitt and Parramatta district I had had all manner of unbelievable obscenities screamed directly into my ear, all manner of wet and dry things thrown at me, including directly in my face, and experienced all manner of misbehavior, all of which I was told just to accept as normal. Any request for real help in behaviour management was not responded to. Students who had been sent to the principal for ongoing long term serious repeated unacceptable behaviour, behaviour which prevented the whole class from learning, were usually sent back by the principal after a few minutes. I rang in late one morning to Plumpton H.S after suffering a flat tyre, and when I arrived, I found the whole class had been left to play unsupervised in the playground. No alternative supervision had been arranged.

I had consistently been expected to devote all my time to behavior management, arranging and conducting detentions at recess, lunch, and afterschool, 'rounding up' those who did not attend, keeping records of all of these arrangements, and writing notes to be sent to parents . No centrally administered detentions were arranged, and when requested such support I was told they would not be. I was told that all behaviour management was the responsibility of the classroom teacher. This is contrary to the Education Ministers statements which required a "discipline officer" among other supports for centrally organised and supervised detentions. No real support was given. Most teachers ended up just accepting the student's misbehavior. I had often been approached by students generally, students not in any of my classes, complaining about their inability to concentrate and work in their classes, due to a lack of discipline in the classroom.

Many schools had no whiteboards, and if they did, no markers to write on them with. The 'black-green boards' were often in such a state that writing on them was more or less futile, assuming you could actually find chalk. There were rarely any central resources, lesson plans, actual teaching materials, or even adequate textbooks, and when there were, much time and energy was expended in seeking them out, having to find out who had them last or, as was often the case, using them currently, and tracking them down to get them.

I had been talked to very rudely by Principals and Assistant Principals in front of the students, when someone else had made a timetabling error, leading to myself being in the wrong place, missing a class, or being with the wrong class. Timetabling mistakes were very common, and I was given the blame for other people's mistakes, in front of students.

I was often disturbed by the insult, abuse, ridicule, and derision of teachers towards students. I was witness to countless incidents where teachers put students down behind their backs. An example that comes to mind was at Pendle Hill H.S, where teachers called one student a "turd".

## My experiences as a Full-Time teacher

I had accreditation to teach Commerce, Economics, Society and Culture, And Studies in Society. I had been granted the status “Not accredited, Willing to teach” for Business Studies and ESL.

Even though I had already had bad experiences at Chifley College-Bidwill

Campus, I was excited to get an offer of full-time employment as a Teacher Business Studies/Economics (Mobile), on 3 February 2000. Only later was I to discover that a large number of other teachers had turned down the same offer. In fact it appears that the following all rejected an offer of the same position: Mrs S.Dass, Mr T.Nader, Mr D.Bowden, Mr G.Dunsmore, Mr S.Mayhew, Mr E.Rogers, Ms K Patterson, Mr W.Bramble, Ms K. Aggs, Mrs L. Lockwood, Mr B.Cleland, Mr C.Cole, Mr B.BRacken, Mrs E. Kofron, Mrs A.Nath, Mrs E. Shevlane, Ms K. Restom, Mr A.Finch, and Mr A Alle.

Gail Wykes herself states in a document I have that “At the end of 1999...I requested a teacher capable of teaching Business Studies and/or Economics. At the end of 1999 staffing notified me that they were having trouble filling this position. The teaching allocation consisted of Junior Geography, Year 7 Mathematics and an elective class of Travel and Tourism. (This allocation was such as we were not sure we would even have a teacher to start the school year, and the available casual teacher.) On January 27th I was phoned numerous times by Susan ??? (at staffing) indicating that this position had been offer(sic) to a number of people, all of whom had declined the position. At approximately 4:00 pm I was phoned and told that a Social Sciences teacher had accepted the position.

This should speak volumes for the school. There are a large number of unemployed Business Management and Economics teachers, given that the Dept. had stopped teaching Economics in all but years 11 and 12.

Further, the teachers who had declined the offer, according to the regulations in place, would have lost their ‘priority dates’. In fact their declining of the offer meant that the date of their declining the offer would become their new ‘priority date’. This would mean that they effectively would move years down the list of people to be made offers of permanent positions. I have no knowledge whether the regulations were enforced in these cases. It would be enlightening to find out. In any case these teachers appeared willing to make that sacrifice rather than have to teach at Bidwill H.S. They preferred unemployment, and even lower chances of ever being made an offer of permanent employment, to accepting a position at Bidwill H.S.

I described my previous experience at Bidwill H.S to the lady from staffing who was making me the employment offer, and doubts about accepting a position there because of this. The Staffing officer allayed my fears, stating that they would help me if I had any problems. This proved to be a hollow promise.

During the non-teaching first day of term, The 28th of January, 2000, the principal of Bidwill, Mrs. Gail Wykes, related to the teachers the story about a student who had become involved in a stabbing. If I remember correctly his father had been stabbed to death, and the student had then sought to avenge his father and was stabbed himself, or had been taken into custody for stabbing someone.

I can’t recall exactly, but what I do recall clearly is how this news was related by the principal, and how the teachers took it. While I had to control my emotions at the sad and shocking news, the Principal Gail Wykes and most of the staff present appeared cheerful, laughing, and making comments about how they were now free of this student. Most of the staff present appeared to take real pleasure in the news.

I was given a timetable. I was told by the principal that it was temporary.

Later I was informed that it would be permanent. I was timetabled to teach Geography 23 lessons a week, Mathematics 5 lessons a week, and Travel and Tourism 5 lessons a week. As you see, around two-thirds of my classes were Geography. I have never studied geography as a student, let alone at university, and I had absolutely no teaching qualifications in that subject. The same goes for Travel and Tourism. I had absolutely no teaching qualifications for

any of the subjects I was being forced to teach. I was being directed to teach totally outside of my teaching expertise, experience, qualifications, or even “Not Accredited, Willing to Teach” status. I would not be allowed to apply for any teaching positions as a Geography, Mathematics, or Travel and Tourism teacher.

I asked other teachers what they thought about this, and was informed that I should just go along with it. No-one else in the school was in the same predicament. There was only one other probationary teacher, John, who was also teaching any classes outside of their teaching area. He was only teaching one class of mathematics, but otherwise teaching within his subject area, English. It may have been feasible to have had one subject outside my teaching area, but all of mine were. I was encouraged just to accept my situation, and others appeared to resent my resistance to the idea.

Not one member of staff believed that my situation was unfair, or inappropriate. Not one member of staff ever gave me support, moral or otherwise, in pursuing my grievances. Not one member of staff believed that the students deserved a qualified teacher. Not one member of staff believed it was unfair to force me to teach totally outside of my area. Other members of staff did admit that many of my classes were the most difficult in the school, but when I sought practical support I was merely offered patronising and condescending “advice”, even from other probationers who had easy classes, classes they were qualified to teach. I did observe the classes of those who claimed to be having no problems, and discovered that the behaviour of the students was the same as in my classes. What became clear to me was that other teachers had much lower standards of discipline and expectations of the students in their care. I was advised to lower my standards and expectations. This did lead to some arguments, and of course frustration, anger, and bitterness.

The Teachers Federation Rep. Shaun Addy, who was also the Head Teacher-History, was the Probationer coordinator. He was pretty upset with my decision not to join the union. He objected to my expressed belief that the students deserved a teacher trained and qualified to teach the subjects they were teaching. Later on in the few weeks I was there, he was pretty defensive when I expressed my belief that it was inappropriate to place all responsibility for class discipline on to the class teacher, or even to give the most difficult classes to probationer teachers, while more experienced and maybe capable teachers were being ‘rewarded’ with easier classes. It became clear that the staff considered it inappropriate for me to be given the Economics and Business Management classes as these were considered much easier to manage classes, reserved as ‘rewards’ for more senior teachers.

Shaun Addy directed me to be responsible for all detentions. That included recess and lunch and after school. This meant devoting a lot of time I didn’t have to rounding up students, writing notes when they didn’t attend, and holding detentions. Those students who repeatedly didn’t attend were at some point told by the principal to attend, but that was the extent of support given to me. It became clear that detentions did not work, and that other teachers had given up on detention due to the workload it required, and its ineffectiveness. In fact Gregg Freeman stated this unambiguously to me. The Management and Staff of Bidwill had given up on detentions, as “they didn’t work”. No support was given when students did not respond. There were no consequences, in effect, and the students knew it, so students ‘played’ with the teachers and the whole detention system. It was treated as a joke by them. And rightly so. Students are not stupid.

The Probationer coordinator, Shaun Addy, directed me to view some other classes in the school to get some ideas on classroom management. I did observe some classes he considered to be well run. What I discovered was that other teachers had much lower standards than myself, and basically just accepted all misbehaviour. What they defined as a successful class, I defined as unacceptable. The classes which were supposedly successful were no better than mine. The difference was that the teachers had just accepted the levels of misbehaviour and disruption, and defined it as acceptable, to avoid having to seek discipline, and the unbearable workload it would place on them.

At the reception of Mount Druitt district office there was a model of the three monkeys – see no evil, hear no evil, speak no evil. This seems to be the motto in Mount Druitt – see nothing, say nothing, hear nothing. Just pretend that there are no problems.

The times I had sent students to the Principal for continuing, recurring, ongoing, serious, behaviour problems, those which prevented any effective teaching and learning, they were sent back to me, within a few minutes, with notes saying I was to accept them back into the class. I was told to keep records of student behaviour, hold detentions, and send notes home. I was told that if after weeks of doing this there was no improvement that students would be dealt with by the Principle. That usually meant nothing, and even where students had been sent home for a day or two, after returning we were told to forget everything that had happened. The students invariably returned to their behaviour patterns. There were no consequences, and students knew that. Students referred to suspensions as “holidays”.

Teachers were expected to devote a great deal of time, energy, and administration to discipline, knowing full well nothing would come of their efforts. This meant that teachers gave up taking notes and holding detentions, as it served no purpose, and meant only frustration and stress and wasted time for them. This may account for the general low expectations teachers at Bidwill had. My classes, which by my standards were unacceptable, were at least as good as the best any other teacher I had observed had managed. When I sought to lift that standard, students reacted with insolence and recalcitrance. In fact the one STLD support teacher I had responded very “bitchily” to me when I sought some reasonable level of discipline. Of course other teachers were offended by default that I sought to discipline my classes more than they did. Without even making any direct criticism of other teachers, my attempt to insist on higher standards appeared to make them defensive. My ideas on what was acceptable and on how this might be achieved, as I had achieved in instances in Southeast London, were derided. In fact other staff appeared insulted by the very suggestion that things could be done better, that higher outcomes could be achieved. My suggestion of centrally administered during and after school detentions, and time-out rooms, things I had experienced at other schools, and which seemed to work, were rejected out of hand quite defensively and emotionally.

I should make it clear that I have developed the habit of taking notes while people are talking, so that I could respond to individual points later, after they had finished speaking. This allows me to remember points they had made for later. This meant I could continue listening without interrupting them, until they had expressed themselves. This is why I can confidently quote people “verbatim”. Not one of the people who have made allegations about me had taken notes during any meetings, or during the events. I always have paper and pen on hand to make notes. In fact my experience at the Australian Bureau of Statistics in Canberra, was that the “minutes” of meetings were ‘constructed’ over a period of weeks. People were sent drafts of these ‘minutes’ which they would amend to reflect their purposes. The final document often bore little reflection on what had really been said at the meetings. I was quite amused at the time by this experience. Only later did I come to see how sinister such a practice could be, when used to malicious purposes.

During discussions with the principal, during my second week of teaching, Gail Wykes stated that she had not asked for a Business Management Economics teacher, that she had asked for a Social Science teacher.

In fact this would have been impossible, as that terminology had been replaced many years earlier with HSIE. I later discovered that she had known in advance what my teaching allocation would be, but had still requested a Business Management-Economics teacher. I have already quoted her own words in earlier paragraphs.

Gail stated that I would have to “go through hell” for a few months. She stated that I would have to give the students worksheets just to keep them busy for the first month, and that only after this could I consider giving them real meaningful lessons, including discussion, explanation, and interactivity. She stated that she herself “would not take up teaching under the conditions that you (I) was expected to work under”.

Any time I referred to any problems I was having with students, I was told by Gail to “turn the eye inward”. She claimed that other teachers were not having problems with the same students, but this was contradicted by the fact that many other teachers had these very same students on detentions. I was directed to be responsible for all disciplinary actions myself. This contradicted the Education Ministers’ January 1999 objectives, which call for



“properly managed detention classes” and “discipline officers”. The school was not, as Mr Carrs’ document expressed it “meeting our (their) commitments”.

Of course when I referred to this document Chris Evans had no idea about it. He had no idea of the rights of teachers to a centralised and organised system of detentions. Chris had absolutely no interest in the Occupational Health and Safety of teachers. In his view, the system merely “had teachers in it”. If they were unhappy with anything “the moral thing to do was to resign”. Further, Bidwill H.S had failed to implement the first general principal of the “Procedures for the Suspension and Expulsion of Students”.

Many teachers I spoke with or whose conversation I could not help overhearing, as they were sitting right next to me or talking quite emotionally, animatedly, and loudly, expressed their frustration and vented their emotions concerning their discontent and sheer desperation. Many stated that this was “just a job for them”, and they would simply “put up with it until they could find an alternative”.

Gregg Freeman actually stated to me that one reason he was remaining at Bidwill, even when he already had accumulated enough transfer points to leave, was that they “leave me mostly to myself”. It was clear that he anticipated greater demands being placed on him in other schools. Another reason was that for every year of service in the Mount Druitt District, he gained a large number of “transfer points”. He had the plan, as many teachers I had met had, of waiting until he had enough transfer points to transfer to the central coast. By teaching at Bidwill, Gregg Freeman would be able to “leapfrog” over other teachers in the system, by rapidly accruing a huge number of transfer points in a relatively short number of years. Gregg Freeman, I discovered from documents made available to me under my F.O.I application, was the Leading Teacher for Resources. I could not get access to a white board, white board markers, or even on occasion chalk, let alone copies of textbooks listed in the study guides. He resented my complaints about the lack of resources. He did eventually manage to ‘track down’ one whiteboard. At the time I was not aware that he was responsible for ‘resources’. This may account in part for some of his deceitful, illegal, and maliciously motivated behaviour against me a few weeks later.

Jacob Appleby, relieving Head Teacher for Social Science, confided in me at the start of my appointment, that some days he “just feels like banging his head against the wall” because of the frustrations of working at Bidwill. This was well before he had any complaints against me.

A student had once hit me in the head with a projectile launched from a “pea shooter”, so I sent him to Mr Appleby. The student admitted to doing so. The student, however, would not even apologise. I considered physical assault a serious matter. Mr Appleby sent her back to my class, insisting that I should just “forget the matter”. This student was later easily encouraged to write a mendacious complaint about me.

Gail Wykes and other staff constantly denied that I was not qualified to teach Geography, even though it was clear to them I had absolutely no idea about the subject. Many teachers privately confided to me that they were having trouble with the same students that I was having trouble with, and that I had been allocated the most difficult classes in the school. Other teachers with nothing to do with these students, teachers who had easy classes, would often patronisingly and condescendingly begin to give me really, insulting under the circumstances, obvious advice. This included other probationary teachers just out of university. It was insulting as they had no idea what I had to deal with. I had exhausted all available means at my disposal, and no-one was offering me any real practical support at all.

Gail Wykes denied that there was any issue of natural justice involved in my appointment and subsequent ‘redeployment’. She stated that she considered my treatment to be “normal”. It is a fact that no other teacher in the school was expected to teach exclusively outside of their teaching area.

During one lesson a number of students had begun to ‘play-fight’. They were provoking each other amusedly with tables and chairs. I gave continually escalating instructions to them to stop. Some others in the class were “egging them on”, and so I directed them to leave the room. My intuition told me that they were joking now, but that if one of them accidentally hurt the other, that there was a chance of things becoming ugly. These students had often demonstrated a low level of emotional development and ‘impulse control’.

As none of the students responded appropriately I directed 2 particular students to go and get a more senior teacher who they might respond to.

My behaviour was consistent with the “guidelines on the physical restraint of students”. Teachers are not allowed to touch students, and should not place themselves in a situation where they or others might get hurt. By not physically intervening I was aiming to avoid the situation escalating.

The students at first ignored me, but later, at my continual and escalating insistence, at least one student did go and get assistance. While they were gone things did turn ugly as I feared they might. One student had accidentally hurt the other, at least one was crying, and they had both become extremely angry. Two senior teachers including Gregg Freeman, who had been nearby, and who had warned me about such behaviour amongst this group of students previously, arrived and proceeded to break the two students up. This process took quite a while. The students failed to respond to Gregg and the other teacher for some time. I directed the rest of my class back into the classroom while Gregg and the other teacher dealt with the two who had been most active in the incident.

Gregg Freeman confided in me that detention had not worked for management last year. Yet he still insisted that I arrange and conduct detentions. Of course his begged the question- “Why should it (detention) work for probationers, who had even less authority, experience, and resources, than himself and the School Management?”. He did not answer.

This contradicts Departmental policy, which states that the school management must provide a “detention officer” and “organised detentions”.

One group of students were taken out of my class to do errands for other teachers, to work as so-called “runners” four times inside 5 days. Other teachers later clearly and openly expressed resentment at my refusal to allow them to take students from my classes to do their errands.

Gail Wykes had invited me to a meeting, which she said would be “Informal” and for which I would not need a witness. She presented me with a copy of a document of mine. She claimed that she had sought legal advice to the effect that what I had written was “libelous”. This was obviously a threat. I did not respond to this threat as she had evidently expected. I stated that I did not believe her. I asked her how she had come to have the document in question in her possession, as I had not yet given it to anyone. She stated that Jacob Appleby had rightly given it to her, after having taken it from the school printer.

Her claims of “libel” were constantly watered down until her last comment reflected that she had not sought legal advice at all, but considered it herself “possibly” libelous.

So she had lied to me again, and threatened me, at a meeting I was told would be informal, and to which I had been told not to bring any witnesses to. She then informed me that proceedings she had begun against me for inefficiency had been dropped. This appeared to be a veiled threat, as I had no knowledge of any such proceedings ever having been instigated. I believed the intention of the meeting was to stop me from proceeding with a grievance against Mr Jacob Appleby.

At this meeting Gayle stated, and I quote verbatim from my notes “go quietly, whatever happens here will follow you to your next appointment”.

I was not to be intimidated. I began the grievance procedure regarding my subject allocations. I approached the head teacher, Jacob Appleby. I went to the probationer co-coordinator, Shaun Addy. I then approached the Principal. I had not, as Jacob Appleby later claimed, “gone over my (his) head”. I had approached him, and had followed the grievance procedure step for step, after no-one responded to my grievances, merely dismissing them out of hand.

I then contacted staffing in Blacktown. Greg Noonan was the Director of Staffing. I explained my situation to him. Staffing at Blacktown had given me a written contract to teach Business studies and Economics. I had signed that contract. I had been offered and had accepted that position. I requested that this contract be honored.

I appealed to Greg Noonan in a detailed letter of February 14, 2000, in which I also stated that I was “suffering greatly under the consequences of the Departments’ actions”. I insisted that I “be put to work somewhere

else in the Department of Education"...until the Dept. could "honour its offer (of Employment as a Business Management/Economics teacher) in good faith".

In response to this appeal, a meeting was arranged for Friday 3 March. At this meeting with Greg Noonan I appealed to him to remove me from Mt Druitt District, as I feared being "crucified". I informed him of my past experiences at the school. He did not agree that I needed to be protected in this way. A letter I received on 7 March from Greg Noonan stated that "In exceptional circumstances teachers are removed from a school and given alternate duties. Your situation does not warrant such a course of action". He continued with "You will no longer be required to teach within the Social Sciences Faculty but will be provided with a teaching load in English as a second language, an area in which you have expressed a willingness to teach".

I made many subsequent appeals to be transferred out of Mt Druitt due to actual and feared victimisation both on the telephone, personally, and in writing, including the following appeals:

March 24 "I insist, again, that I be removed from the Mount Druitt District until all my formal complaints and any complaints arising out of them are resolved definitively" ..."I must insist that if I am to be psychologically assessed that it be done in a professional and independent way...I am keen to have this assessment as soon as possible.";

March 27 "I am requesting, given the nature of my complaints, that I be transferred out of Mt Druitt District immediately ("I am keen to be examined at any time by any neutral and unprejudiced medical practitioner");

March 28 "I am requesting that I be relocated out of the Mount Druitt District Office until all my complaints and any complaints which may arise out of them are resolved. It is unreasonable, given the harassment and victimisation I have endured...not to be allowed this reasonable remedy to the suffering ...inflicted upon me...";

March 29 "I am once more requesting to be relocated out of Mount Druitt District Office until such time that my grievances have been addressed. Further, until my grievances have been addressed, I consider it inappropriate to be directed to attend a Health Quest Examination" ; March 28,2000, in a letter to Dr Alan Laughlin, Assistant Director General

Secondary Education: "I am requesting that I be relocated out of the Mount Druitt District Office until all my complaints and any complaints that may arise out of them are resolved. It is unreasonable, given the harassment and victimisation I have endured...not to be allowed this reasonable remedy to the suffering they (Chris Evans, Linda Watts, Gail Wykes) have inflicted on me";

March 24, 2000 "I insist on being given a guarantee in writing that I will not be annulled until every part of my complaint...has been dealt with ... "; March 30,2000 "I request, with as much sincerity as it could be possible to convey in such a formal letter, that I be transferred out of Mt. Druitt District Office. If you do not take this request seriously and respond appropriately, then you will be responsible for forcing me to continue to endure the harassment and occupational health and safety risk arising from it." I was in fact begging, them, but dignity forbade me from using such terms in a formal letter.

A letter from Alan Laughlin, replying to my letter of 28th March is in my F.O.I response, but not signed or dated by Alan. He states that the Director General Ken Boston has asked him to reply for him. He writes "In your letter you request that you be relocated out of the Mt Druitt District Office. Industrial Relations Services have advised me that you have since been directed home on pay. Yours Sincerely Alan Laughlin etc." It is as if he believes that being directed home on pay is a resolution of my request to be relocated out of Mt Druitt District Office. Perhaps he considers that my annulment also brought relief from the victimisation I had experienced, and was therefore a valid response to my appeals?

The N.S.W Minister for Education and Training John Aquilina acknowledged receipt of my complaint to him in a letter dated 10 Mar 2000. I called his office again on March 27, 2000. I was told by "Julie" that my problems were not a matter for the ministers' office. I asked for a written statement to that effect. I was told, as I had been 3

times previously, that they would not send me written confirmation that I had approached them with my problem. Julie hung up on me after around 2 minutes total telephone time.

I found in my F.O.I response, a typed letter that was addressed to me, from Bill Feld, Acting Director of Personnel Operations, and dated March 2000, with no signature or actual date. There is nothing to indicate that it was actually sent. The letter refers to my letter to John Aquilina, the Minister for Education. Bill Feld claims he was asked to respond to my requests for help from the Minister.

It would have been bad enough being forced to teach subjects I had no knowledge of if I had of been given some support. To make matters even worse, I was left to deal with my situation alone. The only resources I had been given were course outlines. Never having had anything to do with the subjects allocated to me, they were of little value. I asked my supervisor whether there were any central resources, perhaps a file of previously used lesson plans. All they had was the "guidelines". They did not even have most of the textbooks referred to in the guidelines. The few available copies of the texts that they did have had to be shared, and I was not even allowed to keep one as a teacher's copy. I often had to hunt down copies that were either being used by other classes or had just been used. This made effective organization and planning almost impossible. The supervising teacher got angry with me for insisting that I needed a copy of each text for planning, to write notes in, and to refer to during breaks.

I noticed that a few students on my roll books were never at the school, and appeared never to have been marked as present on the rolls. I asked the Principal about this, and got some vague but defensive-incoherent explanations about how some students were starting the year late or something. I suspected that the students had been left on the rolls, after never having attended, in order to keep up enrolment numbers. The principal had referred to enrollment numbers at some point, stating that the school was "close to losing teachers due to low enrollments". These rolls were taken off me, and I was given other roll classes to replace them, with no explanation. Staff at Bidwill misleadingly implied in their later 'secret reports' that I didn't accept my responsibility in terms of having to take roll classes. In fact the conflict over roll classes related to managing the detentions that resulted as a consequence of the student's continual misbehaviour at roll classes, and the reading time that followed them. The resulting behaviour management took up a large amount of time, and brought a great deal of stress. I had been given one of the most difficult roll classes to administer. I felt that teachers with more authority and experience might find it appropriate to 'swap' roll classes. Of course they were happy with the classes they had, and realised that in fact they had no greater 'authority' or ability to deal with the behavioural problems any better than I could.

I asked other teachers, and the management, whether in their opinion my students deserved to have a teacher trained in the subjects they were teaching. They did not agree. It is my opinion that Mount Druitt students have the same rights as all other students. I found that all but one teacher, a probationer, had ever lived in the western suburbs. I also noted that I had never met a state school teacher who sent their children to a state High School. I could not think of one instance of state school teachers sending their children to a state run High School. Teachers on occasion found their local state primary schools were acceptable enough, to avoid the punitive costs of private schools, but none I have ever met were willing to send their offspring to state High Schools.

On various occasions I had had students at Bidwill come up to me while I was doing playground duty, and complain that they could not learn effectively in their classes, classes I had never taught. They complained that there was "no discipline" in their classes. I had students compliment me while referring to the discipline I sought in my classes. This has occurred in various states and countries, at state schools where it appeared the staff had effectively given up, and were merely surviving, rather than aspiring. I have had whole school auxiliary staffs congratulate and thank me for respecting the students enough to discipline them. At another school I had been asked whether I had been especially trained to deal with difficult students as other staff were so impressed with the results I was achieving. I have not. But I respect all students and myself, and insist on basic standards and find ways to achieve these.

Many teachers directly expressed their contempt for the students at Bidwill, referring to the school as a "holding center for prisons" and the unemployment office. I heard many jokes and derisive comments about students. I had also had other teachers express their admiration for my assertiveness. Of course none of these

teachers were asked to make any reports on me at the infamous meeting of 16 April 2000. They often were in tears due to the treatment they received from management. They expressed their admiration that even though I had no chance of success, and would get in trouble, that I stood up for myself and what was right. They stated that I might get my ass kicked at work, but I would be free of it when I got home. They on the other hand took their frustrations and despair home with them, and knew that they themselves and their families suffered because of it. My supervising teacher in the ESL staffroom also apologised for timetabling errors which had resulted in me missing some classes, or in being present in classes where I was not supposed to be. Of course this teacher was not encouraged to comment on this fact. It would not have fit in with the malicious intentions and the instigated 'dramaturgy' of defamation that the school management and District Office had directed.

Members of staff in the ESL staffroom had stated that they were too scared to speak up, either as their positions were temporary, or because they had seen what happens to those who are assertive. They warned me. I had seen teachers on the verge of nervous breakdowns after meetings with the school management. I noted during my short period of ESL work that the English teachers failed to correct the spelling of students. I found no spelling corrections in any of their class books. I also noted the very poor hygiene of many of the students. I was not impressed in any way by what was being taught or how it was being taught, in the English classes I attended, as ESL support. Some teachers may have felt defensive, and not wished me to be present, after I asked them about the correction of spelling. I had also had to correct some things after the teacher had made some mistakes to do with what work was being assigned on the board, and what work was indicated in their directions. I did this in a polite and positive way, with no malicious intent. However I have never been rewarded for any 'corrections' or 'feedback'.

I had followed the grievance procedure step for step. It was only a guideline at this stage. During this time I had graded some tests, for the second time, not having known that different graphs needed to be presented in specific colors, not having had any Geography experience whatsoever. Students had to lose marks for not using different colors for different graphs. I did remark the sections.

I was told by the head teacher, my supervisor, Jacob Appleby, that a particular student should have gotten 65% in a particular test, and that I would have to change his grade, which was in fact 85%, to reflect this. I added up the scores again, and came to 85%. They insisted I change it. I said that I couldn't do that in good faith. They changed it themselves. They were quite hostile, angry, and aggressive with me. This may account for references to my failure or unwillingness to mark tests.

I felt a great deal of this sort of hostility every time I spoke concerning my grievances on the phone to staffing, counseling or to Industrial relations. I was told that I was not allowed to use the school computer to write grievances, or the photocopier to make copies of the grievances I had hand-written at home. I was denied the use of all school equipment in any way connected to my grievances or my seeking of natural justice. They expressed the opinion that my grievances were merely 'whingeing', that I should just accept everything like everyone else. Of course other teachers were teaching some subjects outside their teaching areas. I, however, was teaching exclusively outside of my teaching area. I was told at some point, straight out, that Economics classes were never assigned to probationer teachers. They were considered 'rewards' for years of service. Gail Wykes later stated this herself. As I have said, she knew that the teacher she was employing to teach Business-Management/Economics would be teaching Geography, Mathematics, and Travel and Tourism.

The Principal had apparently 'reported' on me in secret, and arranged meetings without advising me of the agenda, in an unfair attempt to catch me off guard, and therefore unprepared. I was told very earnestly that I had to appear in an hour or so, without giving me any idea what the meeting was about. This gave me no opportunity to arrange an independent witness. This sort of malicious behaviour must be stamped out. Employees must have the right to be informed in due time about meetings, to be prepared, and to arrange their own independent witnesses. The behaviour of staff I have had the bad luck to interact with, had never in any way demonstrated any integrity or honesty, and never once sought informed consent. In fact they demonstrated the opposite qualities.

Management are distinctly hostile to any attempts at communicating problems that exist in the system.

I had attempted for weeks to arrange a meeting with the Principal regarding my teaching assignments. Linda Watts, the Mount Druitt staff welfare officer, told me during week 2 that she would organise a meeting over my concerns with the Principal, but 2 weeks later, after I had heard nothing back from her or from the Principal, I called her on 9835 7444, to find out what was happening. She had made no moves at all. She lied, saying that she had told me to contact another section of the department, which I then did. This was to begin a pattern of Education Department behaviour. They lie to me that they will do something, do nothing, and when I contact them later, deny that they had promised me that they would do something. Be warned, don't let them waste your time, demand everything in writing so they cannot later deny what they said. I believe this is a deliberate tactic to drive people to despair, to giving up on seeking natural justice, to abandon all hope, and to abandon their legitimate grievances, to give up on all hope of natural justice.

I was finally told to come to a meeting with the Principal. I was told to come immediately. I had no chance to arrange an independent witness. I had no reason to suspect I might need one. I assumed the meeting must be the one that Linda Watts had promised to arrange, about my teaching assignments.

The illusion of this dream was soon shattered by reality. The Principal told me that our meeting was unilateral, to inform me of "concerns" about me. The Principal, Gail Wykes, claimed that she didn't know anything about the bilateral meeting that I had been seeking, and which Linda Watts had promised to arrange for me.

Gayle told me that it was her job to defend her school. She said that no other teachers were having problems with my students. She said that I should "turn the eye inward" for the problem. She was trying to bluff me, and deny that the classes I had been assigned were difficult.

She in fact claimed that I was qualified to teach the subjects she had directed me to teach. She even denied that she had actually asked for a Business Management/Economics teacher. Her own reports prove that she had known what I would and would not be teaching. If the students were no problem for other teachers, I asked, then why were they on detention for other teachers? 40

I discovered that the Business and Economics classes that I had been 'contracted' to teach, were only offered in years 11 and 12. Gail Wykes, the principal of Chifley College-Bidwill Campus, told me that that was why she couldn't let me teach what I had been employed to teach, as probationary teachers were not allowed to take senior classes. I made some personal enquiries, and found that the current legal studies teacher had had 4 senior classes during her probation year, in 1999. This was to be the first of many lies that I was to catch Gail Wykes making.

Later she told me that I was going to be at Bidwill for only 1 term, and that my timetable could change in the first month. Later in the same meeting she told me that I couldn't be moved to another school on probation. Both statements were mutually contradictory, which meant that at least one was a lie. As it turns out, both were lies.

Mrs. Gail Wykes told me that I would have to "go through hell for months on end", and that I would have to give the students worksheets etc. "just to keep them busy for the first month", and only after this could I even consider any form of *real*, meaningful lessons, i.e. including discussion, explanation, interactivity etc.

Mrs. Gail Wykes also stated quite clearly that she herself would not take up teaching under the conditions that I was expected to work under, and considering what sort of a career teaching would provide access to, relative to the other possibilities she saw as existing for herself.

Gayle went on to tell me how she could easily get a much better paying job, but stayed as a Principal for moral reasons! Once more I had to observe this 'public servant' phenomena, whereby people are encouraged to overestimate their competence and therefore opportunities, merely as they had never had to 'measure up' to any competition with real competence, creativity, intelligence, or management capacity. They simply assumed that if someone would pay them the high salaries that they already got, then they must be worth even more. When you consider that they see how inept and incompetent and unimaginative and unintelligent their own supervisors in the Department are, people earning even more money than themselves, it is easy to understand why they could imagine that they themselves even bordered on competence, and deserved even more than what they were already being paid.

Impressions are everything in the public service. To make them look good, you have to wear a mask, to lie, to be anything but authentic. No-one apart from the incompetent leading teachers, those who would never have been promoted in a 'real' school, wanted to be there. But it was part of the Psychological battering teachers had to endure, to "Look like you want to be here". I was actually directed to "look like you want to be here" by Shaun Addy, the Teachers Federation Rep and my Probationer Supervisor. There were 5 or 6 probationers at the one school.

I remember another particular incident with Shaun Addy. I had already been waiting 20 minutes to see Shaun to get a sick leave form. He just left me waiting. I gave up and came back to find him having a personal conversation with a colleague about things that had nothing to do with the school. He left me waiting over 3 minutes while he continued talking about old times with this colleague. I had to interrupt in order to have him pay any attention to me.

Students sent out at Bidwell to the head because they were constantly disruptive, insulting, unbelievably badly behaved, or even violent towards other students and the teacher, were sent back inside a few minutes. When I commented to the Faculty head, Gregg Freeman that I had had to chase up over half the students on detention, who still hadn't turned up after that, his 'supportive' response was "so it doesn't work"! On top of that, after students had finally attended detention for serious ongoing behavioural problems, I was told to let them go after five minutes detention, if they were quiet. It had taken me at least 10 minutes to do the paperwork for each student's detention, not to mention the time spent rounding them up. I made a note of suspensions at Chifley College-Bidwill Campus. There were 170 suspensions of under 3 days, and 30 under 20 days duration, for the previous, 1999, school year.

I found out that Chifley College-Bidwill Campus were introducing the 'Glasser' model of student behaviour management, over a period of 3 years, as if it was something new. I assumed that if it didn't work, then another three years would be allowed to test another 'new' method. This would allow them focus on the process of implementing 'new' systems rather than dealing with the problem. For those of you not familiar with the Glasser model, it is well and truly old and tried and tested, and very simple and effective, and would require little more than a few weeks to implement. I myself was using elements of the Glasser system. Other teachers who had no understanding of these methods reported that they were unhappy with my "time-out" provisions.

Students were regularly taken out of my class to do jobs for other teachers. 'Runners' were taken from class for a whole day. On asking one when they would catch up on their work, they answered simply that they had no intention of ever 'catching up' on the work that they had missed. This same student was already doing runner duties again 2 weeks later. Other students have consistently been given errands to run for teachers during their lessons. One such group of students had visited our staffroom at least 4 times inside 5 days. The leading teacher and other permanent teachers including Greg Freeman and Di Redfern, were upset with me when I wouldn't let them take students out of my classes to run errands for them. I considered that the students belonged in the classroom, learning, rather than running around the school doing errands for teachers. A particular group of 'challenging' students were often to be seen doing duties for teachers, apparently as means of keeping them out of the classroom, so they could not disrupt the others. That they were also learning nothing didn't seem to bother the teachers or management. The students I am referring to included Rico, and Norma, and other students who had been encouraged to write complaints about me after I had sent them to the Principal, after all other attempts, including time-out, had failed to stop them from disrupting the entire class. I note that after being sent to the Principal I sent notes to the Principal with other students stating that I had done so, and why. These students in fact ran riot through the whole school. They returned with no note from the Principal, so I sent them back again.

Many weeks later teachers encouraged to write bad things about me tried to blame me for the behaviour of these students. I had done everything within my power. I had met all of my duties of care. I cannot be in more than one place at a time. I have no magical powers. If students continue to be sent to the Principal and the Principal continues to fail to deal with them, then I cannot be held responsible for the situation. I am only a teacher.

I finally received a letter from Greg Noonan, Director of staffing at Blacktown, inviting me to a meeting to discuss my teaching placement.

I arranged with the Principal to have two lessons covered to allow me to attend the meeting with Greg Noonan, the Director of Staffing at Blacktown. I did not want to leave half way through a lesson which would cause more disruption for the students than necessary. She would have preferred that I rush off during the second half of the lesson, however she agreed to arrange cover for the lesson.

My faculty supervisor, the young man who had found fault with so much of my “attitude” (as he defined my desire for natural justice and respect for my students rights), was enraged on the day I was to attend this meeting with Greg Noonan, and would not allow me to leave as I had arranged with the principal. He physically stood in my way and angrily challenged me to try to go through him. He insisted that I only needed 25 minutes to drive from the school to Blacktown, find parking, and then get to the staffing office. He was very emotional and aggressive.

I will describe this interaction in detail later in the chapters on Jacob Appleby and the formal grievance I lodged concerning his behaviour.

I was eventually allowed to leave the faculty. He was very upset that I was allowed to leave. He considered my grievances to be whingeing and whining and invalid. He greatly resented my seeking natural justice in the matter. He resented even more that” your (my) “white knight” (his description of Greg Noonan), had stepped in to help me.

I had also arranged with the Deputy Jim Burnitt to have my lessons covered. I have a copy of his diary entry for Friday 4 February, obtained under F.O.I. He had arranged cover from 11:55am to 12:35am, and then for 1:15pm to 2:00pm. These were the classes that I needed cover for. I stated that I felt it would be better not to leave half way during a lesson, as this would be more disruptive than necessary. This is why I left at 11:55am.

Mr Burnitt noted in this diary entry my complaints that the dress code for teachers was sexist. I had been told that men had to wear closed shoes and a collared shirt. I noted that women were allowed to wear open sandals, and singlets. Female teachers had taken offence at my legitimate and valid comments that this represented sexism. I stated that I would be happy to wear collared shirts and closed shoes if the women were similarly restricted in their attire. I did begin wearing collared shirts, as I did not find this too much to ask. It was, however, a sexist dress code.

Many female teachers wore what was close to lingerie as tops, and high healed, open shoes or sandals. It was summer, and I would have liked to wear sandals as well. The women of course wished to protect their privileges as any group would. This may account for malicious allegations that I was sexist, and that I “seemed to enjoy making women feel uncomfortable”. Maybe comments that if men had to wear closed shoes and collars, then so should the women, are the comments relating to “comfort”. I had nothing against the women wearing “comfortable clothing”, but I found it unfair that the men were not allowed to wear clothing as “comfortable” as the females.

It is true that I once joked with Di Redfern that Metallica had written a love song, which went “Di Di Di my darling.” She did not seem to take that any other way than it was intended, i.e. as a silly comment. Of course in light of my experience I would not repeat such a comment, as harmless as it was. I wonder if she even remembers the quip.

Mr Burnitt also made a note that I had enquired about my rights as a teacher. He responded the same way Chris Evans was to later. They both felt that my own OHAS was irrelevant. They were not interested in the impact of their lack of support on the welfare of teachers. Schools just “happened to have teachers in them.” (To quote Chris Evans) They were not interested in the effect of the school’s almost total lack of discipline and positive expectations on the welfare of the students.

Mr Burnitt claimed that I had alienated many people. It is true that no-one would recognise my grievances as legitimate. It was of course hypocritical of all of them, as none of them were being forced to teach exclusively outside of their teaching area, and many of them never had to teach the challenging students that I was faced with. My comment to a probationer that “I am talking to the head teacher, not you”, was taken as inappropriate.

The context of that remark was that a probationer teacher, teaching totally within their subject area, and with some of the easiest classes in the school, had interrupted me when I was asking Shaun or Gregg for suggestions on how to manage particular students and classes more effectively, and condescendingly and patronisingly begun to answer my questions and criticise me. This teacher was almost straight out of university, and as I said, teaching under



conditions very much easier than mine, and presuming to have a right to judge me, and give me advice. I had not addressed them with my question, and did not feel they were in any position to be interrupting and offering advice.

On the day of the meeting I was virtually physically assaulted and denied freedom of movement by Jacob Appleby. In his own statements he recognises that he has a temper. He lost it on many occasions. He had previously locked the door of the faculty staffroom so that no-one would witness him 'telling me off'. I will provide details of such interactions in chapters dealing with my grievances concerning Jacob Appleby.

At the meeting, Greg Noonan stated that the principal had requested a Business Management – Economics teacher. He reinforced my view that I had a contract with the education department, and that I should not be forced to teach totally outside of my teaching area. I appealed to him that in light of my current and earlier experiences at Bidwill H.S that I feared that I would be victimised if forced to continue to teach at Bidwill H.S, that there would be great resentment that my grievances had been considered genuine, and that in all probability my next appointment would be outside the Mount Druitt District. This would enrage many teachers as they would see it as an unfair 'promotion' out of the district. Usually teachers would be forced to teach many years in Mount Druitt before they would have 'earned' enough transfer points to get out of there. I expressed a genuine fear of being 'crucified'. He said that my situation did not justify my removal from the school. I ( naively, in hindsight) agreed to teach ESL at the school while awaiting the next position as Business Management-Economics teacher that came up, as I felt that this was in the best interests of the students. I was informed that I had been placed on a waiting list to this end.

My supervisor and other staff appeared appalled at this news. They resented the fact that there was now a good chance that my first appointment would be in an "easier" school, as Economics was not a common subject area. The very fact that I had been proven justified in my grievances and claims, and had been given natural justice, appeared to irritate them greatly, especially Shaun my probationer coordinator, and my head teacher, Jacob Appleby. This was as I had feared. I had expressed this fear to Greg Noonan.

I moved downstairs to the ESL faculty. Things were a bit chaotic there, and at first the teacher supervising me didn't exactly know what was going on, so there were a few instances where I was not where others expected me to be, but was where my timetable said to be. My supervisor apologized to me for the confusion. I discovered that the Allocation of ESL support was based on Non-English-Speaking-Background criteria, and not on their actual English literacy levels. I discovered that the average students in our care were 4 years behind their age cohorts in English.

In any case, within a few days I was curtly informed by the principal to leave the school grounds, to take my personal possessions and go to

Mount Druitt district Office. I tried to find out why, without success. I had to insist on something in writing confirming that I had been directed to leave the school, to avoid being labeled as "AWOL". The principal refused this repeatedly, but finally acceded.

I left the school for the last time with a few pens and folders, and went to the district Office. I had a letter from Chris Evans, District Superintendent stating that I was to report to a meeting at 9:00am on 15th March 2000. (He himself missed this meeting). I was told I was never to approach the school grounds, or any of the school staff or students. The ESL staffroom was entirely empty, and no other teachers came to the staffroom while I was there. It was as if they had been told to stay away.

On arriving at Mt Druitt district Office, I could not get anyone to tell me why I was there. I was told that some serious matter had arisen that necessitated my removal from the school. I was told that I could not be told what the matter was. Later that afternoon Linda Watts, the district Welfare Officer said she was coming to a meeting between me and Chris Evans, The district Superintendent, to act as my independent witness.

I had asked other teachers at the school if they would attend any meetings as my independent witness, but no-one would. They stated privately to me that they were fearful they would experience problems if they were seen to be supporting me. Several teachers and probationers had stated this fear clearly to me, in no uncertain terms. They had previously warned me against being assertive, against seeking natural justice, against even speaking out. This accounts for the lack of any positive reports about me on 16 April. No-one dared make any positive comment.

Everyone had clearly been encouraged, and in some instances “directed” according to what Ms. Chu revealed to me during a phone call years later, to write down anything negative they could think of about me.

In hindsight it was naive to trust Linda Watts, but I did so at the time, assuming that she had a moral duty, as counsellor and District Staff Welfare Officer, to act in the interests of teachers. Chris Evans read out a report he stated had been written by the Principal of Chifley College-Bidwill Campus, Gail Wykes. In the report, Mrs. Gail Wykes had apparently stated that Gregg Freeman had stated that I had handed out copies of a poem to all the teachers at Chifley College-Bidwill Campus as a threat. Why I would do this and to what end concerned no-one.

I was relieved. I stated simply that there was no problem, as I would quickly prove that this report was a lie. I called Ms. Shuyuan Chu, the language teacher at Chifley College-Bidwill Campus. She immediately apologized to me for having allowed another teacher to have a look at my folder. She was aware that that was the reason that I had been taken out of the school. She apologized for what had happened.

Chris Evans spoke with Ms. Chu, and seemed to be appeased with this incontrovertible evidence of the mendacity of the malicious allegations made against me.

However, that evening I was visited by 2 detectives from Blacktown Police Station. They were investigating claims that I had weapons in the house. These claims had been made by Department of Education employees, I was told. I let them search even without a warrant, to make their job simpler. I had nothing to hide. There was nothing to find. They searched the home and garage. It was embarrassing. The next day I asked Chris Evans for a copy of the report. He gave me a copy of a totally different report, the one in my file now, which he claims to be the first report. Linda Watts, who was my ‘independent witness’, also denied what had happened, that a previous report had been written and had been read out to me. To what end?

I received a letter “directing” me to attend a HealthQuest appointment.

Linda Watts told me that it was, and I quote, “the General Probationer Medical Check-up that all probationers must attend”. A little suspicious after all that had happened, I phoned HealthQuest and eventually after much insistence was allowed to speak to the director of HealthQuest, Mr Casolin, and I explained my situation to him. He informed me that the appointment was in fact for a psychiatric assessment. Linda Watts had lied to me. Linda Watts had attempted to gain a forced psychiatric assessment by means of deception. She was violating my basic human rights: see Article 19 of the United Nations Convention on Human Rights.

The director of HealthQuest Mr Casolin, told me that I was well within my rights to postpone the appointment until Chris Evans gave me a copy of the first report, with which I could demonstrate the mendacity of the Principal, and Chris Evans and Linda Watts. This was a simple case of conspiracy, corruption, and collusion to deny me natural justice. I will go into the details this attempted “HealthQuesting” in later chapters.

I wrote a grievance concerning Linda Watts and Chris Evans, which I had to lodge with Chris Evans himself. He became very aggressive and bullying. He sent my whole file to HealthQuest, notably with the exception of the original first report. He claimed that that report did not exist, and never had. I followed the grievance guidelines and, given the serious nature of Chris Evans’ behaviour, sent my grievances to the director General of Education.

The director General delegated my grievances back to Chris Evans. The Director General, according to the guidelines, had the legal duty to investigate my grievances himself. He actually delegated the investigation of my grievances to the very person who I was needing to have investigated. This is an obvious breach of the grievance guidelines, and one which should be incomprehensible to any reasonable person. How can natural justice expected to be served by the protagonists of injustice? This was sublimely ridiculous. Only much later did Chris Evans inform me that he had ‘delegated’ this grievance to the Industrial Relations Section.

The second report, with which Chris Evans and Linda Watts later replaced the original, whose mendacity I had incontrovertibly demonstrated, contained libel and slander from all those who had the most to lose from the truth, Shaun Addy the probationer coordinator, Gregg Freeman the Faculty head, and of course the Principal Mrs. Gail Wykes. All of these people had a gripe against me and had demonstrated their resistance to my attempt to gain

natural justice. They had all resented the fact that I had appeared to receive natural justice. They basically lied and played with the truth. Nothing surprising. I go into the details of this report in later chapters.

The point of detail that would have been impossible to miss to any genuine investigator of my grievances was that this new report referred to events that had allegedly taken place many weeks before the date of the report, March 16. Had such incidents occurred, they would have had a duty to record them immediately, and to address them immediately, that is, many weeks ago, when they had allegedly occurred. Had there been any substance to the report, action would have had to have been taken immediately after the alleged events, as they referred to a failure to exercise duty of care. I had no chance to get witnesses to the alleged events, the students themselves. If anyone had asked them, they could have told the true version of what had happened, and thereby proven what had not happened, what I had been accused of.

I of course tried to convince Linda Watts to tell the truth about the real first report. Her paid job and moral responsibility as District Welfare Officer should have had some bearing on her actions or conscience, I believed. She would not tell the truth. Chris Evans was angered that I continued to try to get an investigation, writing again to the Director General and calling his offices attempting to get him to do his legal and moral duty as Director General. The Director General never investigated my reports of incompetence and maladministration, which he was required to by the legislation that I myself cited in my report to him concerning Chris Evans.

While at district office, I attempted to engage Chris Evans in productive dialogue. His response to my grievances was simply that, the system “just happens to have teachers in schools”. I suggested he consider how many private schools do very well without the department, and that parents are willing for some reason to spend a large amount of money to send their kids to private schools. He told me the moral thing for me to do, if I have ethical concerns about the education system, was to resign.

During our dialogues, in which he kept derailing me with insulting comments and attempted to revise the facts of our discussion, he told me that I should have read a particular document that was, he claimed, public and readily accessible. I told him I had never seen it, and was in the habit of informing myself. I asked him if he could, seeing as the document was so important and readily available, send me a photocopy of the relevant pages. First he said he didn’t have a copy of it himself in the district Office, then he revised this statement to mean he didn’t know if they had a copy. Both of these statements would be ludicrous positions for the person effectively in charge.

He continually revised his comments to me, trying to make out that I had misunderstood him deliberately, apparently realising I had caught him out on several occasions, both with simple reason, and with the actual facts of the situation.

I was told by Chris, that I am “just an employee”. I commented that no well managed organisation would ever use such language, especially in relation to professionals, that he should consider us as resources. I got the distinct impression he didn’t like his job, and felt undervalued. Or to be more precise, he overvalued himself!

I have asked him many times for details on what sort of rights I had as a teacher, what sort of support I could expect from School Management, with no response other than vague referrals to documents which the district Superintendent Chris Evans himself didn’t know the whereabouts of. In fact, he told me that “I’ve never seen (them) myself, I know of them, but I don’t know whether (we have them here)”.

One discussion concerned the recent Dept. response to teachers not being willing to work in the Mt.Druitt District. The Dept. had changed the rules to determine that anyone who rejected an offer of full time employment at a school within an area they had identified in their applications as acceptable (an area includes many districts!) would automatically lose their priority date. This priority date is important, as offers are made based on this date. The priority date was the date the person was originally placed on the waiting list for full time employment. The new rules meant that if I was offered a job at Bidwill H.S and refused it, that my priority date would become the date at which I refused that offer. I could effectively be relegated the same priority date as teachers just leaving university that year.

Chris Evans denied this, even though I showed him the departmental document concerning this. He informed me that rejecting an offer would merely “rule out (being made an offer within) the next 12 months”. In any case, this demonstrates the Department’s desperation in getting people to work in Mt. Druitt District. It would be of interest to call the people who refused the job I accepted, to see what happened to them in this respect. Remember that the Dept. had earlier, due to the unwillingness of people to teach casually at all due to the conditions casuals experienced, had to force people to teach casually as a pre-requisite to being ever offered a full time position.

Chris later told me that he was responsible for any decision about my grievances, and even probation. Had I taken his word, I would not have pursued my grievances. Chris stated to me that a teacher cannot instigate an investigation of practices in a school if they consider that the students are at risk. I told him that the students at Bidwill H.S were at risk. Chris stated that my expectation that on accepting an offer to teach Business Management/Economics, that I would actually have a teaching load of these subjects, was “ridiculous”, and “extremely naive”.

Chris did state that I had not been placed on any “support program” and that no such program existed at Bidwill H.S. This contradicts Linda Watts’s comments on the request for a HealthQuest medical that I was on a “Support program”.

Chris ‘informed’ me that probationers who have contested their annulment in court had been unsuccessful, that in fact the courts did not recognise probationers’ rights to contest an annulment. In fact the Education Dept. made this very argument before the Industrial Relations Commission. Only years later was I to be informed that I could in fact contest my annulment, with the IRC.

## My last meeting Mt. Druitt District Office

I had been working with Mr Geoff Berry – Training and Development/Curriculum coordinator, the Social Science Materials Development Officer at the district Office, when Linda Watts came to me and said that Chris Evans, the district Superintendent, had directed me to see him. She wouldn't say what it was about, just that it was "nothing important". This was a direct, unambiguous, malicious, lie. She wanted me to come immediately, and then when I insisted of bringing an independent witness, finally relented with, "in a few minutes". I said I wished to have an independent witness present. She refused, but I insisted. She said it wasn't important, and that she would be there. I referred to the last time she had claimed to act as my independent witness, and quickly sought someone to come to the meeting. She said it wasn't important. She was very insistent that I come immediately, and alone. I hastily asked the Social Science Materials Development Officer, Mr Geoff Berry Training and Development/Curriculum coordinator, to come with us.

He did come, and was witness to what followed. He witnessed Chris Evans admit that the "first report" that I had been demanding a copy of, did exist, and that he would never give me a copy of it. He threw a real tantrum when I hastily sought to take a few notes about what he had said at the meeting. I wanted to make certain that there were no misunderstandings, and that I could quote him in context. He violently wrenched the pencil that I was in the process of writing with out of my hand. Looming threateningly over me, he angrily demanded that I leave the district Office within 3 minutes. Otherwise he would have me "physically removed". I did as I was ordered. He said that I was never to come near the office or to try to speak to any employees there. I was not allowed to speak to anyone, or get the name of my witness, or speak to him again. I left with a few personal items, even forgetting my cup and many notes. I felt extremely threatened by Chris Evans. I only discovered the name of my witness from a memo regarding that last meeting.

I received a letter dated 30 March 2000, from Chris Evans, "directing you to remain home on pay until the matters concerning your fitness for duty and conduct are resolved". He states that my grievances had been referred to Industrial Relations. "I will contact you after the medical report on your fitness has been received and advise what action is to be taken in relation to your employment status".

It was simply uncomfortable for Chris Evans and Linda Watts to have me constantly seeking natural justice. Other staff members not familiar with what was going on were sometimes a little put out. Some actually expected me to do their photocopying and menial work. Writing reports for my grievances took a lot of private time, and the only access I had to a computer and printer and telephone were at the office. It was my duty as a teacher to follow up with my grievances, and to do what I could to change the system.

I had been directed to District Office on March 15, 2000, and directed home within 2 weeks! I had never been granted access to the information I needed to attend HealthQuest, nor allowed to have a psychiatric assessment done by a fully independent Psychiatrist in the absence of malicious lies, misinformation, and omission of facts and contexts.

Within a few weeks of these events, I contacted Maralyn Parker, from the Daily Telegraph. She talked to me for a few hours on the phone, and sent a photographer who took a lot of pictures. I never saw the story published. This contact lead to a "serious incident report" being written in the Dept. I will describe details of this later. I only discovered through a Departmental document that the story was never published.

After several months I was sent a letter stating that my grievances had been investigated, and that I had been annulled, and put on the blacklist of people never to be employed by TAFE, the state education system, and other bodies associated with the N.S.W Department of Education and Training.

I sought legal advice from a solicitor. She informed me that there was no way of suing for unfair dismissal, as probationers had no legal rights. She went further to state that as I had failed to attend the HealthQuest appointment as directed, that the annulment was valid. I felt that every probationer or applicant should be made aware of their powerless situation as a probationer.

At the time I had accepted this advice at face value. Only years later did I discover I had been given erroneous legal advice. In fact the teacher's term of probation is more than 3 months, and hence appeals to the IRC for relief from unfair dismissal are possible. Mr Wayne Freakley, an officer with the Legal Services Unit of the Dept., states in one document that he feared I might seek relief from the IRC, however he himself never informed me of my rights to, when I asked him for advice. In fact he maliciously lied to me that my case was closed, and that I had no right of appeal.

The solicitor I had approached, in her Office next to Seven Hills Railway Station, appears to have been ignorant of the law regarding unfair dismissal. Her advice would probably be grounds for a lawsuit against her for damages resulting from erroneous legal advice.

I have on several occasions attempted to have my original grievances investigated, and to convince the perpetrators of the gravity of what they had done to me.

I even contacted schools far out west which were desperate for casual teaching staff. I expressed my willingness to teach at those schools casually, to prove my competence, and meet the needs of students that otherwise could not be met by the Education Department. I had explained my position to a few Principals, and at least one of them was keen to take me on. I was not asking for natural justice, just the chance to demonstrate my competence, and get back to work. I was denied even this.

The N.S.W Department of Education compels all its employees to deny any media information about the true state of affairs inside the School system and Dept., as the truth would contradict its own impression management strategies. I believe a Public service, especially one with such a moral position i.e. dealing with the education of our most important resource and most vulnerable members of society, should be transparent in its dealings, and open to public scrutiny. My experiences indicate that it is naive just to assume that a public service operates in the interests of the public, rather than the public servants themselves. The IRC appear to hold the view that every employee has a right to express their opinion in any forum or media. The 'gag' clause in the teachers conditions of employment contradict the IRC, it seems.

I contacted Ms. Shuyuan Chu a few days ago on 9628 2222. Phil Musgrave from Blacktown staffing had claimed to have reviewed my case. He stated that all my grievances had been addressed, including my request to have Ms. Chu interviewed about what took place at the school at the time I had had those false allegations made about me. Up until then I had only contacted Ms. Shuyuan Chu twice as I knew she was on probation and would be too scared to say anything after what she had witnessed had happened to me. In order to see if Phil Musgrave had lied to me, I called and asked her whether anyone had ever interviewed her, (no, no-one had ever asked her anything about me), and whether she could give me something in writing about what had happened (yes, she asked me for an address to send the statement to, and a short explanation of what her statement should deal with).

I was surprised that she had no hesitation in offering to write the truth. She asked me to email her with an explanation of what her statement should deal with. I called the next day to follow up, after my emails could not get to her account. She said that she was too scared of losing her job to say anything to anyone. She said her boyfriend had made her aware of the risk she would be taking. She stated that after my removal from the school that the Principal had had a meeting with all of the staff and had warned them not to say anything to me or about me to anyone, that they would be breaking the teachers' handbook regulations. This was a serious threat with real and serious consequences, especially for a probationer.

While once more attempting to get my case reviewed, and to get access to my files, I had talked to some graduates who were apparently awaiting job interviews or information sessions for teaching positions, about my experiences, warning them not to trust the grievance procedures should they have problems. The Assistant director

John Durrington, 9836 9751 came out and invited me to speak with him. He seemed genuine and appeared to comprehend my situation. I had earlier handed over a written statement that I could prove they had lied to me, that no-one had interviewed Ms. Shuyuan Chu, the most important witness in my grievances, and that I would have written proof from her. Only later did she change her mind. I had written the note just after Ms. Chu had agreed to write the statement for me.

In hindsight Ms. Chu's boyfriend's fear of reprisal was legitimate. At the time I thought that permanent employees were safe from victimisation, as it would be impossible to fire them. I had not been aware of how widespread "HealthQuesting" was at the time. I was not aware of the 44 cases of permanent staff being 'medically retired' for being a thorn in management's side. At the time of my refusal to be "HealthQuested" I was acting based on my own values and intelligence. The Solicitor I approached for legal advice was also apparently ignorant of "HealthQuesting" and the true legal rights of employees.

I came back the next day to tell him that Ms. Shuyuan Chu was too scared to tell the truth. I stated that that should indicate to him something about what was going on, and had gone on, at Chifley College-Bidwill Campus and Mount Druitt district. He told me that the Director of Staffing at Blacktown, Val Mcaulay, was going to review my case personally. She had, he told me, requested my file from where it was being held. She would contact Ms. Shuyuan Chu to assure her that she need not have any fear. However, the next day I got a letter from Val McCauley criticizing me about my grievances, and stating that she considered there was nothing to investigate. She had not contacted Ms. Chu to verify that she was too scared of victimisation to add anything to her earlier statements. She had not called Ms. Chu to allay her fears, and to discover the grounds for these fears.

The next day I left a message for Mr Durrington, explaining this to him, and offering him the opportunity to make good on his promise that Val McCauley would investigate my grievances, that she would call Ms. Shuyuan Chu and verify that she was too scared to give me a written statement, and to give details concerning the first report that the principal had written about me, and which she had proven to have been mendacious.

The letter from Val Mcaulay made no comment about Mr Durrington's promise that she would get a copy of my file for me, which could otherwise take months through the normal Freedom of Information channels.

## The information sent in reply to my F.O.I request

### HealthQuest

The “request for medical examination” was sent by Linda Watts on 16.03.200. It requests an “urgent” medical examination. It does not state anywhere that this examination would be a psychiatric one. None of the original correspondences that I got from the Dept. indicated that the appointments I was directed to attend would be psychiatric assessments. The first indication of this deception came when I insisted on speaking to the Director of HealthQuest myself. It was only after I had revealed the sinister plans of the Dept. that HealthQuest sent me a notice of my medical appointment, and stated that it was in fact a psychological assessment. This means that my attendance was, originally, both forced, and sought through deception. All the documents I have refer to my “refusal to obey a lawful direction”. This means that the Dept. “directs” employees, in other words forces them to attend. Both these behaviours violate the United Nations Convention on Human Rights at Article 19. The Dept. used force and deception to gain a psychiatric assessment of an employee. The violence threatened, termination of employment, was carried out. My failure to respond to this coercion was cited in many documents as a ground for the annulment of my probation, and the termination of my employment with the Dept.

I discovered the true nature of the appointment, which Linda Watts had said was a “general probationers medical that all probationers had to attend”, only when I called HealthQuest, and then only when I insisted on speaking to the Director, Mr Casolin. He told me that I should have been advised of this fact. Of course none of the correspondence from HealthQuest, signed by Dr H Gapper, themselves ever stated that the appointment was for a psychiatric evaluation. In light of this Mr Casolin’s comments that I “should have been informed”, cannot be considered too genuous.

He stated that it was normal practice to provide background information on those directed to attend HealthQuest, “without considering whether the information was in fact accurate or not”. Mr Casolin told me that I was in no position to comment on ethics, when I asked him whether he considered it ethical to bias or prejudice a medical examination by providing information to the examiner that had in no way been substantiated, and which denied the examinee an unbiased and independent evaluation. He did, however, tell me that I had a right to postpone any appointments until I had the “background information” that I required.

The letter misleadingly failed to mention that my teaching timetable exclusively contained subjects that I was not trained, accredited, or competent to teach, including mathematics. It refers to my “dissatisfaction” with my allocated classes. No mention is made of mathematics. This reflects everyone’s opinion at the school that there was nothing wrong with this. This opinion is reflected in every document in which not one person expresses any understanding, empathy, sympathy, or support for my predicament. Not one member of staff at Chifley College-Bidwill Campus ever demonstrated support for my grievances. In fact they clearly stated that they found my grievances unfounded, and were irritated by all of my actions with regard to following the grievance process. ]

Linda Watts ‘letter also misleads, in implying that “circumstances” had led to me being required to teach geography and social science. I have several documents which state clearly that a “Business-Management / Economics teacher was requested, but that the school knew in advance that this teacher would be teaching subjects exclusively outside of this teaching area.

The letter implied some sort of medical condition must underlie my opinion that the students in my care required “special education support from the Dept.” In fact a document in my file states that the support Chifley College Bidwill Campus had received from district Office for “tutorial support” had been inadequate. That document states that “Beginning Teacher Support” had a “low” priority for Chifley College-Bidwill Campus. In fact



other documents signed by the Principal of Chifley College-Bidwill Campus Mrs. Gail Wykes state that I was not on any beginning teacher support program. These documents predate the HealthQuest request.

“Student behaviour” and “Students with special needs” however, were both given a “High” “Priority rating”. This would contradict claims that the students in my care had no special needs, or behaviour problems.

I will quote verbatim some ‘complaints’ lodged by some of my more challenging students to demonstrate their level of literacy. Remember that they were in year 7.

## The “Official Student Statements” dated 1/3/00

I am quoting the students’ statements here. Their language will give you some idea of the general language abilities of students at Bidwill H.S.

“MrRehbec kepss being smart to us and when we aks him something he sags we that he’s busy he puts us on ditiontion for nor reason and if your late to class he does’nt explain what we have to do. and he teases us and puts faces at us. then he jumped out of blues and told us to get out. he pulls faces like I’m scared he stuke his road finger at us. they we can’t do anything about it”

“Me and Rico wer Doing our work Then Mir Rayback came to see our work then he told us off the Whole class to put our hands on our heads. Then he jumped out of the blues and told me and rico to go and sit outside But Was just laughing and we go to him we are gonna go to mr Appleby But he wouldn’t listen. Then mr hannon came and told us to go to mr Birnnit We came up he was busy so we wen back to the portable,And We saw him and we said to him we are going to tell on You th he goes oooh I’m scared in actions.

“First I was Just sitting down in my seat and a other teacher was helping me and he just said stand up for reason. Then he Just gave me a ditiontion. Then I got really angry then thats how I was really norty. So it the end of the period. Then he was making fun with us. He said Im scared and he put he rude figger at us so we ran after him and he was dowe stairs. So he ran down stair’s then we where looking him and ran back up the stairs and then he got and He told on him. Then we said he stuck he stuck his rude finger at us and then Mr Riback shuck his head at us.”

“I was sitting down in class when mr rhyback gave me and ever body else a shut and then he said the next person to speak gets detention and all I said was Where is the other teacher we had he gave me one I putted my hand up for heaps he did’nt lisen to me so that when he was getting smart and sayings us very scarey and doing action with his hand and stuck his rude Finger up at us.But berore that he said to sit down out the class room for five min and I did then he sent me to Mr Burnet.”

End quote.

I was shown these statements and replied on the 2/03/2000.

“I never stuck my finger up at students. I’ve never made fun of students. I try to be as positive and cheerful as possible, in the face of impossible students. The discipline policy here is not swift enough or clear enough-as evidenced in the student’s response to being disciplined for obvious misbehaviour, and recalcitrance and insolence. Conway, Rico, and Norma are serious concerns. Ali is not so extreme, but still very disruptive, insolent, rude, argumentative. It is impossible to do my teaching with these students behaving as they do. P.S These students need access to a time out room, to allow me to manage behaviour and get a chance to teach rather than having to spend so much time reporting misbehaviour, writing detention slips etc. which I have been told by Jacob I have to do-with so many difficult students and classes this makes it impossible to actually teach the lessons. Please ask the other students who do the right thing what happened. The students have a right to a supportive learning environment. Conway, Rico and Norma need intensive assistance before being sent back to my class.”

My use of the school telephone, computer, and printer to write and follow up on my grievances was misleadingly referred to as “personal use”. It is in fact a duty of all teachers, according to the “Teacher’s Handbook”, to follow the grievance procedures. Linda Watts fails to mention that my original grievance regarding my teaching duties was validated as legitimate by staffing.

Concerns about my “emotional state” were raised. Linda goes on to claim that these concerns were documented in the attachment. They were not. All that is documented is the expression of unfounded fears based on the behaviours of other staff who, without my consent, and with malicious intent, circulated private documents of mine. It is only after such documents were circulated, and staff were encouraged to express their response to one of

the documents as a threat, that the reports were written. The whole thing was choreographed with malicious intent. There was nothing 'organic' or 'authentic' about the situation.

The attached documents documented that not one member of staff thought that my grievances were legitimate. Some of them clearly contradict each other. Gregg Freeman stated that I had been aggressive towards Ms. Shuyuan Chu, and that he had had to intervene. Ms. Shuyuan Chu makes no comments about any such behaviour. Comments made by Ms. Kylie Herring, who was in fact in charge of my the 'investigation' of my grievances, indicate that 40 copies of my private document had been made, and later circulated amongst a wide public, without any statements as to the context. I assume the name that was omitted by the Legal Unit or herself in the document in my F.O.I response, is Mr Gregg Freeman's. Ms. Herring's comments indicate that Linda Watts had informed her that

Gregg Freeman claimed to have seen me at the photocopier, making the 40 copies of the poem which was circulated to staff. It is a reasonable deduction or inference from these statements that Gregg Freeman had lied to Linda Watts, or told her that he would be willing to lie to her and others, that I had made 40 copies of the poem and then handed them out to members of staff as a threat. This is what Gregg Freeman and Gail Wykes accused me of doing at the meeting of March 15, 2000. It was only because I managed to contact Ms. Chu about this allegation that she was made aware of the allegation, and then apologised to me, and then explained to Chris Evans that Gregg Freeman and Gail Wykes had lied in their allegations.

Linda Watts' letter states that I was "currently on an intensive Beginning teacher Program". This was a lie. Chifley College-Bidwill Campus was not involved in this program, as documents I had come across, and included in my grievances, clearly prove. These include reports Gail Wykes herself had written in response to grievances of mine concerning her. I also have a copy of an email in which Kylie Herring suggests to Linda Watts that "I have attached a document on probationary support programs. It may be useful for the Principal and LT to consider in drafting a program of support. You don't need to make a draft of a support program if one is already in place and being implemented! I also note that the school should offer its probationary teachers the beginning teachers' induction program-this can also act as a useful support tool." You do not recommend a person do something if they are currently doing it. You might recommend changes, but not recommend it per se. If Kylie, from Industrial relations is telling Linda Watts that I should be offered a beginning teachers induction program, then I am obviously not currently participating in one at that time. If the school had actually had an intensive beginning teacher Program, then how can this email be explained? Chris Evans had actually stated to me that no such program exists, so I could not have been "flagged" as being on it! He stated this fact in writing, in a response to some later grievances of mine concerning him.

My assertive, if sometimes legitimately frustrated and angry, expressions regarding my teaching assignments, the lack of teaching resources and support, the allocation of what many teachers admitted to be "the most difficult classes in the school", and the hostile reaction of other staff members to my pursuit of my grievances, were misrepresented as "aggressive". In fact if you look the context of how the words 'aggressive' and 'fear' have been used in all of the reports, you will see that other words would have been more appropriate.

One incident in which I questioned staff about whether a new position was actively being sought for me, was described in documents as "harassment".

The letter accompanying Linda Watts' request for a HealthQuest appointment sought to have "The difficulties" that I was experiencing, which were clearly objective and systemic, related to, in other words defined as, a "medical condition". The letter refers to "finding him unfit to teach".

The letter mendaciously states that I have stated that I had been "annulled" by "at least 2 other government bodies".

The "Request for Services" from Linda Watts states that the service required was a "fitness to continue". In other words the letter was mendacious. Linda and the Dept. had no concerns for my wellbeing. They were merely hoping that HealthQuest would determine that I was unfit for service. This was the malicious intention of Linda and the Dept.

The Teachers Services Act (1980- No: 446) 12(1) states that staff may be

“Directed” to attend medical examinations. This contradicts Article 19 of the United Nations Convention on Human Rights. (2) “The member of staff must comply with this direction”. In other words, the employee is ‘forced’ to!

A letter from Chris Evans the district Superintendent, dated 29 March 2000, states “failure to comply with this direction may...lead to the annulment of your probationary appointment”. This threat was repeated in a letter dated 10 April 2000, after I had had the original appointment rescheduled, awaiting a copy of the document in which Gregg Freeman and/or Mrs. Gail Wykes lied about my behaviour. The rescheduled appointment was for 11 April 2000.

In the documents released to me under my F.O.I request is a copy of a reply to a request by Linda Watts for a “Medical Assessment in connection with Employment” which states that an appointment for 11 April 2000 has been arranged. I never received a letter notifying me of that appointment. The IRS noted in their case notes that they themselves do not have a copy of such a document. They merely “assume” that I received one. This demonstrates the nature of the IRS investigation. The IRS has always assumed that any allegations against me were true. In fact at a meeting in Sydney, in which the two men present claimed to have investigated my case, they repeatedly demonstrated their lack of knowledge of even the most elementary facts of my case.

The following are quotes. The spelling errors are not mine.

**“Minutes of Meeting held on 5 September 2000** with ex-probationary teacher marcus rebbach - Present: Peter Phelps (PP) (Now manager, Industrial Relation Services) , Wayne Freakley, (Now Principal Legal Officer) Legal Services Unit. (WF), Marcus Rebbach (MR).” If they had been investigating my case, which they claimed to have done, then they might at least have gotten my name right!

PP and WF state that I “alleged he was not told it was to be a psychiatric assessment”. If they had ever read my file, then they would have seen that no mention is made in it anywhere of a psychiatric assessment.

“Alleges he was forced to teach subjects he was not trained for”. Again, if they had even read my file once they would have seen that the Dept. itself admitted this fact, and had validated my grievance over it.

They quoted me rightly as saying that “The fact that PP did not have a file with him in the meeting demonstrated PP knew nothing about his case” In fact these two clowns had no idea about my case, and refused to show me any document relating to my case. They first claimed that they had themselves investigated my case, as the senior investigators. Once it became clear they had no idea about my case, they changed this to saying they were “responsible” for the investigation or something or other. In any case they had claimed to be in a position to say that my grievances had been investigated. It soon became obvious that they did not have the slightest idea about my grievances. This demonstrated to me that no-one had investigated my case. This was a fair deduction in the circumstances.

PP wrote that I had said that I “did not believe one should be psychiatrically examined because of asking questions”. I wonder if this implies PP believes one should be psychiatrically assessed for asking questions? PP and WF went on to write that I “alleged he had contacted the Legal Services Unit but they would not put anything in writing”. This was also in my file. As with everything else they wrote in their ‘minutes’, it demonstrated that all of this was ‘news’ to them, that they had had absolutely no idea of the content of my files at all.

In this document it is claimed that PP “tried to explain (to me I assume) that he (I) had a right to appeal his annulment. MR expressed surprise with this and wanted to know why he had not been told this before”. In fact in my complaint received 2 April 2001 to Lynda Shearer/Bill Feld, I complain that “I was told at my last meeting with Education Dept. Officials in Sydney (in the a actual meeting that the minutes are supposed to be a record of ), that my case was “closed” and that I had no recourse for any ‘review’. Given that I was never sent a copy of the minutes after the meeting, and that WF himself replied to my F.O.I request, I can only deduce that he ‘doctored’ those minutes to ‘cover’ himself and his accomplice after the events. I would be interested to find out when the minutes

were actually written! Every document I got from the Dept. claimed that my annulment was final. I was never informed of the possibility of contesting it.

After they had wasted another 50 minutes of my time, PP terminated the meeting when I told him that his statements demonstrated that he had never investigated my case, and was wasting my time. He made some comments and I said that he was a liar and if his job was to investigate my case, then he was incompetent.

I wish to state that Wayne Freakely is the person who handled my F.O.I request. While going through my own documents I was reminded that Police had once more contacted me stating that either Mr Freakley or Mr Phelps had alleged that I had "threatened to blow him up". I stated this fact in a letter complaining of further "harassment" to Linda Shearer/Bill Feld, in a letter in April 2001. There is no such allegation made in the minutes of the meeting I had with PP and WF, nor any other reference to the allegation in any of the documents that Mr Freakley released to me. In response to my request for "Any document or reference to any statements to any Police Dept. employees including those which lead to an embarrassing search of my mother's home for "weapons" by detectives from Blacktown", he states: "There are no documents available that meet this description". As I have already stated, documents in my possession refer directly to recommendations and statements of intent to contact police to have them investigate me. He also made the same in response to my request for "A copy of the report written by the principal of Bidwell (sic) High School in which she claimed that I had handed out copies of a poem/song as a threat to other employees at Bidwell (sic) High School." In other words a man who had lied to me about having investigated my case, has denied that any such documents exist. I will of course appeal his response.

Chris Evans may call what he read out to me at the meeting of 15 April 2000 what he likes. Both he and Mr Freakley know that I need a copy of whatever it was that he had read out, and which I quoted verbatim while taking notes during the March 15 2000 meeting.

## Dept. of Education "Serious Incident Report" 11 April 2000

The Report has the following 'check boxes': Death, Injury with medical attention, Police, Other outside agency, Drugs, Weapons, Violence, Intruder, Serious disruption to routines, Major property damage, Media Contact, or Expected media contact"

Key issue: Media Involvement. Cathy, from the Daily Telegraph rang Bidwill Campus at 12:30 pm on 11/4/00. Was not able to speak to the Principal- spoke to Senior School Assistant. Conversation as follows:

Daily Telegraph: "We are writing an article on your school for tomorrow's paper. Do you have any comment?"

Senior School Assistant: "What is it about?"

Daily Telegraph: "Mr Rehbach"

Senior School Assistant: "How do you know about Mr Rehbach?" Daily Telegraph: "He rang us".

Action taken : district Superintendant informed, Media Unit informed, Legal Branch informed.

## Urgent MEMO

Kylie Herring, Industrial Service Officer, sent an "URGENT" Memo on 11

April 2000 with the subject: Re: Markus Rehbach-Probationary Teacher Performance/Misconduct/Medical Concerns. The memo repeated the

'Serious incident report', which she referred to as "A critical incident report".

"John Ross, Media Liaison Unit, advised IRS at 1:30pm that Steve Buckley (ADG Corporate Strategy) will be the contact person for this particular matter. I advised John Ross that contact should be made with Peter Phelps or Jenny Collings should a briefing be required." I wonder how I should view claims that the IRS made an "independent" investigation of my grievances, when in this sort of fax indicates that they are employed in 'damage control' and 'public relations management' for the Dept. How could anyone expect them to investigate my grievances, and thereby undermine the Dept.'s public relations? A copy of the document was forwarded to Jim Harkin, Media Liaison Unit with a brief covering note for his information. Recommendation: "That the GMP be advised as per the attached submission". The General Manager of Personnel, Paul Irving, made a note on the document on 29.3.00, "Pls monitor carefully".

**A two page document (IRS 00/0165)** was written "Proposed Departmental Comment", and "Suggested response to media". In this document they proposed to state, among a few other things, some misleading, that my case was under review. Documents sent to me stated that my case had been closed long before the 29.3.00!

**Another Fax (28 March 2000)** from Kylie Herring, IRS, to Jim Harkin, Media Liaison Unit, provided him with 12 pages of documents I had written. She states "The document expresses general dissatisfaction with various aspects of Departmental operations and policies. While this in itself is not considered to be inflammatory, should Mr Rehbach approach the media to discuss his personal situation, the provision of this information from Mr Rehbach's perspective has the potential to generate some negative coverage. It appears the document constitutes a threat (note again how the word threat is so often used to refer to anything considered 'uncomfortable' or 'challenging') of media publicity should various issues fail to be resolved to Mr Rehbach's satisfaction....IRS will advise of any further developments."

## **The Counter Terrorism Response Group do not consider Mr Rehbach a threat**

Sara Thorley-Smith, discipline and Attendance Unit-Safety and Security, sent Phillip Musgrave, The Staff Liaison Officer, the following fax on 28 August 2003: " Phil. Have tried to call you to discuss the latest letter. I have spoken to the Commander of the Counter Terrorism Response Group and have some suggestions about what should be done. Can you call when you are back at your desk. Sara. Phillip Musgrave noted on the bottom of the copy of this fax that I have, on 22/10/03, that "Sara advised on 22/10/03 by telephone that the C.T.R.G do not consider Mr Rehbach a threat and will not action further. Sara also sent 'Phil' a 14 page "briefing" to inform him on "the type of person we are dealing with".



## Security at Bidwill Campus

Gail Wykes had requested and been granted a security guard as of 30th March, 2000. Note this is almost two weeks after the claimed threat and fear that Gregg Freeman induced by criminally stealing and then illegally copying and circulating my private property, with malicious intent. In a letter to 'Chris' she "consider (s) it imperative that the guard remain on site until the end of term one (April 14th 2000).

Why, she doesn't state, but the implication is that I posed some threat.

Mr Aquilina the Minister for Education at the time, apparently sent the Shadow Minister for Education, Ms. Forsythe, who had apparently made representations on my behalf, a letter in which He states "The

Superintendent's fears were justified as Mr Rehbach verbally threatened the safety of both Bidwill Campus and District Office staff and a static guard was employed on two occasions". This is sublime teleology. Chris Evans employed a guard to somehow demonstrate that I had threatened the school, and was therefore a threat, without demonstrating in any way the assumption that I did threaten anyone at all. It continues " I note that in his letter to you, Mr Rehbach again threatens the safety of Departmental staff refer to bottom of page 2 of his statement: It will be unfortunate for all, especially me, if I am forced to seek 'natural justice' by the only means available to me."

In other words, seeking natural justice is seen as a threat by the Dept. I am also left wondering what power my words must have. I am not aware of any power to verbally threaten anyone's safety. A person can either make a threat or be a threat. I don't know how one can pose a "verbal threat" to someone. Unless of course it is the truth that is threatening. This may be another recognition on the part of the Dept. that by seeking natural justice and the truth, that I posed a threat to the "Departmental employees"

A "File Note" Reference: BL/03/0429, excerpts quotes from a letter they received from me on 4 August 2003. In the letter I am appealing for access to my file, and an investigation of my original grievances. I state that "this is itself an act of violence". It is. Being denied access to documents necessary to the investigation of my grievances and hence natural justice is of course an act of violence.

I do refer to the behaviour of the Dept. as various acts of violence. They quote the following excerpts from that letter: 'Terrorism is a human response to the inability to gain justice through any other means'. It is.

'The violence of those people responsible for the lies and abuse of power, and lack of investigation of, my grievances is a real thing'. It is. 'I have every right to be hostile to those who have violently harmed me'. I do. 'By denying anyone justice you are responsible for acts of terrorism.' You are. We are.

'Violence breeds violence. Remember to behave justly when you can-or not to complain when you or, someone you care about is the next victim'. True. We are all responsible for injustice, and hence violence, and therefore the violence it begets.

The whole point of my philosophical expressions concerning violence and injustice and terrorism is that I feel a moral obligation to make people aware of the nature of violence in all its' forms, to eliminate it, and hence eliminate terrorism. They fail to put the statements in this context. If they had read my manuscript, and not just fallen on the poem, they would have been aware that my purposes are not to threaten anyone, but to enlighten them, to make the world a safer place.

In fact I never went near the school, and only ever contacted Ms. Chu once or twice, and tried to contact my supervisor from the ESL faculty once. Ms. Chu had in fact apologised for what had happened. After this Gregg Freeman and/or Gail Wykes changed their story about the poem. This just shows what sort of theatrics Gail and co. were up to in attempting to make me look dangerous. I had never 'threatened' anyone at the school. I had only ever 'threatened' to seek media attention, and natural justice. There is no evidence to the contrary. Gregg Freeman even went so far as to lie that I had threatened Ms. Chu.

## Ms. Chu

Phil Musgrave, 22 August 2003, File note. "I today attempted to contact Ms. Shuayan Chu...I was advised that Ms. Chu was unavailable...Ms. Wykes stated that Ms. Chu provided her with details of the conversation with Mr Rehbach and that he threatened her with bodily harm and that if she didn't amend her statement her house may be burnt down...Ms. Wykes then advised that Ms. Chu and the Deputy Principal...were proceeding to Mt Druitt police station to make a statement...I contacted the Departments Security and Safety Unit...Ms. Sara Thorley Smith informing her in detail of the incident".

An email from Ms. Herring to Phillip Musgrave with the Importance "High", states that "I have just had a call from Linda Watts- SW) Mt Druitt District Office- Indicating that a Principal had phoned to advise that Markus had been phoning the school and making threatening comments. Mr Rehbach was annulled- serious concerns about his mental health- and potential risk to staff at the school at which he was teaching". I had in fact called twice. The first call was surprisingly positive, with Ms. Chu happy to hear from me, and confident and willing to provide me with any information I needed.

Only after her boyfriend had warned her of Education Dept. victimisation did she change her mind, which she explained to me during the second and last call. She stated clearly that she was frightened of the Dept. It is ironic that Gregg Freeman and Gail Wykes have maliciously alleged that she is frightened of me. She told me, using the Education Dept.'s turn of phrase, that Gail Wykes had threatened everyone not to talk to me, at a meeting of the 15th or 16th of April. No-one has asked her about these facts.

Once more people not qualified to make judgments about my mental health were repeating malicious propaganda. If Linda Watts had ever had concerns about my mental health she would have provided the information I needed to attend the HealthQuest appointment. She was my independent witness at the March 15 meeting. Now that I myself have read the correspondence between her and Ms. Herring it is clear that she was very actively conspiring and colluding with Gail Wykes, Chris Evans, and Greg Freeman, to maliciously damage my reputation, and to deny me natural justice. This behaviour of hers is unfortunately consistent in all of the correspondences I have copies of.

If she wishes to demonstrate otherwise, then I invite her to comment on the allegations really read out at the first meeting at District Office, whatever technical Bureaucratic name she wishes to give them. It is irrelevant to me whether Chris Evans calls what he read out to me a report or a fuzzywizzslagawollop, he knows what I am talking about. He read out allegations from Gail Wykes that Gregg Freeman had alleged that I had handed out copies of the poem to members of staff as a threat. If you read through all the discourses here concerning Greg Freeman and the poem, and view the original documents, then you will not be able to escape the implications that Gail Wykes and Gregg Freeman, with the collusion of Linda Watts and Chris Evans, and maybe Ms. Herring, have maliciously lied about me to deny me the truth, to deny me natural justice.

I never threatened Ms. Chu. Given her poor English, it is possible that she may have misunderstood my philosophical points, and that this misunderstanding was then abused by Gayle Wykes and others for their own malicious purposes. If a statement had been made, the police would have contacted me again. This would have been the third instance of Education Dept. Employees wasting policing resources in investigating malicious and unfounded slander against myself. I have not heard from any police about any statement of Ms Chu. It is now February 2004 as I write this, many months after the alleged police reports were claimed to have been made.

In a letter from Val Mcaulay dated 28th August, Val states that Phil Musgrave did contact Ms. Chu. There is no mention of him asking her whether or not she was scared of telling the truth, of adding anything to her statement. She had told me on the phone that she was scared of the Education Dept. victimising her, based on her

boyfriend's advice, which in hindsight I now can empathise with. He claims she said that the original statement she provided was true and correct. The problem is that I was never allowed to know whether she had made any statement, and what that statement was.

All I wished Ms. Chu to add to her original reports, was that I had called her on the 15th and told her what had happened, and that she had apologised. I am referring to the lies of Freeman and/or Wylkes that I had handed out the poem myself to members of staff as a threat. I must say that I have no recollection of ever having received a copy of this letter from Val Mcaulay. The first time I got to read it was when I found it among other documents I had obtained under F.O.I. Please note that the letter, dated the 28th of August 2003, makes no reference to allegations that Ms. Chu had felt in any way threatened by me, let alone that I had actually threatened her.

## Thank you Ms. Herring for the proof I need

An email from Kylie Herring to Linda Watts of 2/22/2000. Ms. Herring writes "...I have just read the "Marcus" document and these are my thoughts- the document could be raised during the course of the meeting. I.e. the Principal could ask him whether it belonged to him and whether he was the author. If he denies knowledge of it then it could be put to him that Mr \*\* saw him at the photocopier etc. and assess his response. If he admits to ownership of the document it might be useful to ascertain whether he intended (it) to be distributed to staff (I think you mentioned that there were 40 copies?) or to be used for some other purpose...If it were a personal diary entry or something along those lines I find it difficult to understand the need for so many copies."

This is clear evidence that someone copied the poem, made 40 copies in fact, and then had lied to someone stating that they had seen me make the copies. Of course later documents all state that Ms. Chu allowed someone, it appears Di Redfern, to look at my folder. Di Redfern then showed it to at least Gregg Freeman, who then passed it on to the Principal. It would appear that Gregg Freeman had made 40 copies of the poem, and had then maliciously lied to at least Linda Watts if not everyone else in the school, with the intention of inciting fear and distress, that he had seen me at the photocopier making 40 copies of the poem. The logical deduction he could leave anyone to make would be that I had the intention of threatening the whole school staff with the poem.

This is in fact what Chris Evans read out at my first meeting at the district Office, allegations from Gregg Freeman that I had handed out copies of my poem to all the members of staff as a threat. This is why I called Ms. Chu, and told her of the allegation. This is why she apologised to me. After she told the truth, the Principal and / or Gregg Freeman had been proven to be liars, and they had had to change their story. This is why Chris Evans would never let me have a copy of the original allegations. He can call the allegations he read out to me what he likes. All I demand from him and Linda Watts is that they admit that such allegations were read out to me, and then omitted from what they called the first actual report.

I quote Ms. Herring, who claims to have been the case manager for the investigation of my grievances "the Principal could ask him whether it belonged to him and whether he was the author. If he denies knowledge of it then it could be put to him that Mr \*\* saw him at the photocopier etc. and assess his response. If he admits to ownership of the document it might be useful to ascertain whether he intended (it) to be distributed to staff (I think you mentioned that there were 40 copies?) or to be used for some other purpose...If it were a personal diary entry or something along those lines I find it difficult to understand the need for so many copies."

Clearly, a Mr \*\* had claimed to have seen me "at the photocopier"...and there were "40 copies"...

The suggestion from Ms. Herring that Linda Watts should ask me whether I intended distributing it to staff is made: "it might be useful to ascertain whether he intended (it) to be distributed to staff"...; correlates to the allegation of Gregg Freeman that was read out to me that I had "handed out copies of the poem to members of staff as a threat".

Ms. Herring states that it would be "...difficult to understand the need for so many copies..." in the event that I claimed it was a diary entry. In other words she is precipitating that I will deny that the poem was written by me, and that they would lead me into a corner with questions which would make it clear that my expected 'explanation' was untenable.

So, a Mr \*\* told Linda Watts that he had seen me make 40 copies of the poem, with the (ascribed) intention of handing them out to staff. Given that I never made any copies of that poem at the school ever, there is no explanation anywhere in any Dept. documents to account for these comments, other than my consistent claims since March 15, which are entirely consistent with: "Mr \*\* said that he had seen Markus make 40 copies of a poem, with no other reasonable assumed intention other than to hand them out to staff. Mr Gregg Freeman states that

“Markus handed out copies of a poem to all the members of staff at Bidwill H.S as a threat”. (This is what Gail Wykes wrote to Chris Evans in the report he read out to me on March 15)

Why Ms. Herring writes “Mr \*\*”, only she could say. Has she doctored this document? Did she not recall the name? Did Linda Watts fail to state the name? I believe someone should be asking her this question. It is fact that Linda Watts maliciously colluded with the conspiracy to deny me the truth, and the natural justice that would have been the fruit of such truth. If Ms. Herring deliberately omitted Mr Gregg Freeman’s name from the document I was provided under my F.O.I application, then this would demonstrate her collusion in that conspiracy.

Gail Wykes sent Greg Noonan a copy of the poem, without my consent i.e. a violation of my own privacy and copyrights i.e. it is illegal to reproduce copyrighted material without consent of the holder of the copyright. Staff of the Education Dept. have made several illegal copies of my copyrighted material and distributed them to several people, including the Newspaper. The fax of 14-3-00 cover sheet reads “Poem entitled Accountability given to a probationary teacher by Mr Rehbach”. This is misleading, as I never gave anyone the poem. I gave Ms. Chu a copy of my philosophy manuscript, without realising the poems were in the back of the folder. I had no intention of giving that particular poem to anyone to read.

On March 28, 2000, Ms. Herring emailed Chris Evans and Linda Watts the following: “In discussing this matter with Peter Phelps, Jenny Collins and Jennifer Williamson the following course of action was suggested: 1. that Mr Rehbach be directed to attend the rescheduled HQ appointment...2.that the police be notified of the concerns and be provided with copies of relevant documentation; ...”

Note: The F.O.I request I made for copies of any documentation sent to police resulting in their search of my home for weapons, was denied. Mr Wayne Freakley stated that no such documents existed. Ms. Herrings clearly recommended that the police be notified. This is consistent with my consistent claims that I was the subject of a police investigation regarding the poem, the “relevant documentation”. Mr Freakley did, I expect mistakenly, provide me with a document that supports my claim that such documents must exist. I quote now from a document ERCS-Case summary report, Date 9/10/2003, Case Officer Herring Kylie. Log Items: “Phone Call 3/Apr/00 from the SWO (Staff Welfare Officer Linda Watts) to advise that she would be briefing the Police today re: concerns about Markus...” and another ‘log item: “E/mail 31 Mar/00 Email to SWO and DS 29/3 outlining series of questions and suggested action i.e. report concerns to police,...” It is this report of concerns to police that I requested a copy of. Wayne Freakley responded that “not such documents exist”. If they are not on file, then one has to ask why not.

I will appeal this denial by Wayne Freakley, and apply for F.O.I access with the police dept. for incontrovertible proof. It is noteworthy that either Wayne Freakley (WF) or Peter Phelps (PP) had also made reports to the police that I had threatened to “blow him (one of them) up”. There is no record in their ‘doctored’ minutes. It appears that the legal position regarding the claims to police were such that Wayne Freakley prefers to pretend that they had never made malicious reports to the police about me. My brother Michael Rehbach was witness to the search carried out by the Blacktown Detectives, after reports from the Education Dept. He can verify this on 02 96222105.

Of course I was given no document regarding the second lie to police, in which I was accused of threatening to “Blow him up”. The only record of have of police involvement, the letter stating that a report had been made to Mt Druitt Police about allegations that I threatened Ms. Chu, including to “burn her house down”, relates to an incident that never appears to have happened. I have not heard from Mt. Druitt police. It is clear that the allegations of Ms. Wykes are simply more malicious lies.

It is clear that Gregg Freeman and Gail Wykes are both using Ms. Chu’s lack of fluent English skills, and her fear of being victimised, to further their own malicious ends. Ms. Chu never reported in her reports anything about ever feeling threatened by me. Gregg Freeman, however, claims that he had to intervene to protect her several times. Gail Wykes lies that I threatened to harm her are in the same vein. I can only assume that they misrepresented her statement, and that when Ms. Chu came to the police station, assuming she ever did, that the police realised this. I

have no other explanation for why I wasn't contacted for the third time. Ms. Chu, nor anyone else involved in this whole matter, probably in the whole world in fact, has ever stated to me that they were scared of me. I have never been charged with threatening anyone, ever.

Gregg Freeman (Head Teacher, Admin/Resources) at Bidwill H.S claimed that I physically confronted other staff members, without explaining what he meant, or providing any evidence. "I had to step in a number of times to quell the verbal (aggressive) attacks. (Particularly regarding Ms. Chu)". He refers to an incident in which he alleges I "virtually degraded the self-esteem and moral of a very vulnerable student". He claims that a report was filed with the principal about it, but the Principal never referred to this event, which Gregg Freeman has maliciously invented. He states that "The final incident which I had to deal with was to present a folder with a number of disturbing documents to the Principal. One piece of material contained in the document was shown to me by Di Redfern. Upon reading it I asked where it came from, she replied that it was one of a number of documents handed to Ms. Chu by Marcus Rehbach." These are verbatim quotes from a statement written by Mr Freeman dated 16/3/00, and titled Appendix 3. After Ms. Chu had proven his first allegation to be malicious and slanderous, Mr Gregg Freeman had changed his story.

If we now consider again the comments of Ms. Herring, which we can only induce to be made in reference to a written correspondence from Linda Watts, which I have no copy of but will seek to obtain, we can easily deduce that Linda Watts had related claims made by Gregg Freeman that I made 40 copies of the poem and handed it out to all the members of staff at Bidwill H.S as a threat. This is what he maliciously alleged. He obviously had not counted on me being able to prove this to be a lie. When I did, he simply, and necessarily with the full collusion of Linda Watts, Gail Wykes, Chris Evans, and possibly Ms. Herring, pretended he had never made such malicious allegations. All of Gregg Freeman's malicious allegations are intended to portray me as a threat.

In fact I believe in hindsight that the only reason I managed to get through to Ms. Chu to have the allegations incontrovertibly invalidated was that Gail Wykes believed that her conspiracy with Gregg Freeman was 'untouchable', or that she actually believed Gregg Freeman's lies, and was not aware that he was lying until I proved the allegations he had apparently made to her to be malicious lies. The original lie that I had deliberately handed out 40 copies of my poem as a threat would have been maintained, had I not managed to contact Ms. Chu, and had she not told the truth to me. It is only after she had told me the truth that she was asked to write about what had actually happened, and that other participants in the unlawful distribution of my copyrighted works had been asked to describe what had actually happened. Looking at Ms. Herring's correspondences with Linda Watts, it is hard to avoid the implication that this was their strategy.

Gail Wykes had obviously discovered that I or a Henry Deerbrook had tried to contact my ESL supervisor. As Linda states in her correspondence with Chris Evans, Gail Wykes had rang her to enquire about the call which had come from District Office. Linda actually admits that she "investigated" the matter. She became "alerted" to the message I had left with Sandra McCulloch, the receptionist at Mt. Druitt District office.

Ms. Herring, in an email dated Mar 29, 2000, states ..."if his appointment is annulled the teacher is usually provided with documentation on which the Department is relying. Also, if he appeals to the IRC, the statements may need to be used by the Department or staff may be required to give evidence." I find this disturbing as I was never informed that I had a right to appeal to the IRC. The next excerpt is also disturbing, as it indicates that the IRS who claimed to be 'independently' investigating my grievances had no real intention of doing so..."what is the status of the grievances. It would be useful if we could have copies of the grievances (mainly to determine whether they are vexatious and not made in good faith).

This statement appears to reveal that the intention of the IRS was to undermine me, rather than seek natural justice for me. They did not request my grievances to consider them, but merely to seek to define them as "vexatious" or "not made in good faith". In light of this, and my total experience with the IRS, including that last meeting in Sydney with Peter

Phelps, The Manager of the IRS, and Wayne Freakley, Now Head of the Legal Services Unit, there is no reason for me to consider that any investigation was ever carried out “in good faith”. I have only had access to my complete file for 2 days now, and I have uncovered facts and details that would have been obvious to anyone seriously investigating my case.

Ms. Herring seems to substantiate claims by many victims of HealthQuesting” that HealthQuest is delegated the final judgment of any grievance procedure. In an email to Chris Evans, Gregory Noonan, Helen Muldoon, Jenny Collins, Jim Harkin, Linda Watts, and Peter Phelps, dated 3/30/00, Ms. Herring states “IRS advises that Mr Rehbach be advised that the matter has been referred to HealthQuest and the Department is unable to comment until the medical opinion has been received.” No part of my grievances required the advice of a Doctor to investigate. They all referred to facts which could easily have been verified directly, or deduced from other facts, as I have now done.

Ms. Herring, Industrial Service Officer, earlier states ...”It is anticipated that Mr Rehbach will launch a telephone campaign in relation to his personal situation.” What I wish to comment on here is the way in which the Dept. continually seeks to define problems as personal, and medical, rather than investigate systemic problems. Gail Wykes once told me to “turn the eye inward”. This is the approach of all Education Dept. employees I have had to deal with. They do not want anyone to turn their eyes outward, out towards the reality of the Dept. of Education. The statue of the ‘three monkeys’ at the reception of Mt.Druitt District Office comes to mind again.

The email also states, as if fact, that “Mr Rehbach has had a number of inappropriate exchanges/confrontations- verbal and physical with district Office Staff”. I have not found any evidence anywhere in my files of physical confrontation, or reference to what was meant in that statement. I know myself that the only physical confrontations was when Chris Evans wrenched a pencil out of my hand while I was writing, and when Jacob Appleby physically and with barely contained rage, pushed against me and denied me freedom of movement.

## Chris Evans continues to lie about me

In correspondence between Chris Evans and the Ministerial Support and Liaison Unit of Sept. 25, 2000, Chris Evans maliciously slanders me to The Hon P Forsythe MLC, Shadow Minister for Education and Training, who apparently had made some representations on my behalf "...Mr Rehbach verbally threatened the safety of both Bidwill Campus and district Office staff and a static guard was employed on two occasions...I note that in his letter to you, Mr Rehbach again threatens the safety of Departmental staff He quotes me correctly ..."It will be unfortunate for all, especially for me, if I am forced to seek 'natural justice' but the only means available to me." This is not a threat. If it were, the police would need to act. I have never threatened anyone. I am the one who has been constantly threatened with victimisation and annulment, and with blacklisting. If my statements are threats, then every letter stating that I could be annulled represents a threat designed to coerce me into being "HealthQuested"!

In that correspondence Chris Evans once more lies about the first meeting at his office on March 16. He only read out to me the allegations that I had handed out copies of a poem to all the members of staff as a threat. There were absolutely no other allegations made. The only re-drafting was to totally replace the original statements with totally new ones. The documents I have referred to from Ms. Herring all demonstrate that allegations had been made, and had been planned to be made, about allegations I had made 40 copies and then handed them out to all the members of staff as a threat. I assume that the IRS did not recognise the implications of these documents when they allowed me to have copies of them. Further, while they did manage to remove all other documents concerning the original police reports, they overlooked Ms. Herring's references to engaging the police. The F.O.I request for the police referrals was rejected with the statement that "no such documents exist".

Sandra McCulloch, the District Office receptionist, states in a fax to Linda Watts, dated 27/03/2000 that I cancelled a HealthQuest appointment for the 28th of March. All other documents in my file misleadingly state that I "failed to attend". There is a significant difference between cancelling an appointment, in actual fact I said I had "postponed" the appointment pending receipt of the "background information" I needed, and "failing to attend". One is passive and omits my postponement and legitimate grounds for such. The other reflects the reality.

Note: I notified Staffing in Blacktown in writing of my new contact details:

"Please change my telephone number Markus Heinrich Rehbach 8 Koorool Ave. 7 Hills 2147 old number 0402 168 818 NEW number-please change to 0415 649 148 Please notify me in writing of this change" The note was stamped as "entered" on 5/7/00. I was in fact living out of my car and cheap backpacker's hostels at the time.



## April 16 statements from Bidwill Staff

On April 16, members of staff of Bidwill H.S were presented with a poem/heavy metal song I had written over 10 years before. I never had any intention of anyone at Bidwill H.S reading that piece of artistic creativity. It was circulated with malicious intent. My property rights were not respected. My copyright was infringed. More importantly, Gregg Freeman and Gail Wilkes maliciously abused the situation to encourage staff to fear myself, and to write documents in which this fear was to be expressed.

I had no idea that the documents had been written, and hence have never up until now had the opportunity to address them.

They clearly document that not one member of staff at Bidwill has ever expressed the opinion that my grievances had any validity, let alone given me support in seeking natural justice. A document titled 'Appendix 8' states that in the authors view, my "dissatisfaction", and "attitudes" were "unnecessary". They claim that I "seemed to enjoy making staff, especially women, uneasy." They give no justification or detail to support this view. They claim to have "noticed sexist attitudes in his (my) comments". They refer to my "refusal to compromise or co-operate". I can only assume they mean that I sought natural justice, rather than co-operating with the injustice.

I had in fact asked the whole staff in the faculty whether they had any problem with the way I behaved, after another member had claimed this. They assured me convincingly that they had no problem with my behaviour. I do not see how they can consider it fair to criticise me behind my back when I gave them every chance to express themselves to my face.

I cannot be criticised for my behaviour when I had never been told that it was unsettling or irritating or threatening to others. I could easily have talked softer, allayed any fears or misunderstandings, and made it clear that if anyone else needed to use the phone or computer while I was using it, that they only need to make it known to me. I was never told that I was interfering with anyone's work in any way. I never received any verbal or written feedback or requests or statements of concern. None are to be found in my F.O.I response.

Some teachers were so petty as to accuse me of not taking messages for them on the phone. In fact I asked the caller if they would like to leave one, and they didn't want to. Not one teacher ever informed me of any of the 'concerns' they wrote so dramatically about in these reports.

I had been criticised for not leaving work for my classes when I was sick. It was not possible for me to, as I had no idea how to prepare lessons for any of the subjects I had been forced to teach. There were no lesson plans for me to use as a guide. The resource draw was empty. I was not even allowed to keep a copy of any text as a teachers copy to work from. All I had were course outlines that meant nothing to me, as I had no understanding of the subjects they referred to, and which referred to many texts that the school did not have. Tracking down the ones we did have was full time work. I could not plan effectively, as I had no stable access to any texts at all. In any cases I must note that as a casual teacher, it was extremely rare to be left anything but cryptic references to some textbook exercises.

One complaint referred to an act of bullying on the part of the complainant.

He had told me that he needed me to enter some rolls on the computer by Wednesday the 16th. He kept insisting that he should decide when I did it, namely that afternoon. I had told him that I had appointments I could not break, and that the rolls would be entered within the time he needed them. He had his own agenda in attempting to impose his 'authority' on me, in telling me exactly how and when I was to do it. I told him I was going to the toilet, and did. Then I went home. The next morning I came in early as I had planned, and did all that was necessary well before the deadline. He, however, had had his own agenda, and was 'miffed' that his will was not done, (on earth as it is in heaven or such). He was so petty as to cite that as an official complaint, when in fact he had

nothing to complain about. His ego or sense of power had been 'wounded'. He had not had the satisfaction of 'directing me around'.

The STLD teacher in my year 7 maths class had different ideas to me about what constituted effective teaching, desirable outcomes, and acceptable behaviour. In her pettiness she let swing at me on 16/3/2000. She criticizes me for "having no idea" about what to do, without any empathy or understanding at all that I had no idea, and could not be expected to. Not only had I no idea about the content, how to teach it, or what the learning outcomes were, but the class membership had been determined based on their levels of literacy. This meant I had a wide ranging level of mathematical ability. I was given no real support from the maths faculty. The STLD teacher complains that I undermined 'her' authority! This says volumes about her attitude towards me. She was a middle aged woman who resented lots of things about me that had nothing to do with the task at hand. She had issues to deal with independent of me, as did many of the other staff.

One respondent comments that she "dreaded" me because I tried to get her to agree with me- which she "could not". Like other reports, it refers to feelings of fear or discomfort at me being upset with the Dept. and the School Management, and wanting to change things. "Markus is a negative person" reflects a common thread throughout the reports. Such a statement reflects a lack of empathy or understanding for the problems and injustices I had been fighting with. No-one seems to want to recognise that my fight was a positive one, with positive aims and intentions. I was in a very negative situation, which no-one in the Dept. has ever openly admitted. No one who wrote a report wanted to perceive of me a victim, although I am confident that at least some members of staff did recognise my positive motives and the victimisation I was experiencing.

Several had stated clearly to me that they respected and admired how I fought for justice. I have commented on these interactions elsewhere.

Sadly, everyone who 'reported' on me wanted to see my grievances as "unreasonable", "negative", or "difficult." Of course no positive comment on me was ever sought by anyone in the Department, as that would not be in their malicious interests. The Dept. managed an effective 'smear campaign'. I had no right to reply, to clear up misunderstandings, or to defend myself. All of these reports were written in secret, and I never once had an inkling of them until I came across them in my F.O.I response.

Many staff refer to students running in and out of my classroom, yelling and screaming and throwing objects out the window and over railings. They claim that they "knew" that I made no attempt to control these classes. They claim it was "obvious". They were in their own classrooms, upstairs and downstairs from mine, and claimed that they could 'know' this by merely walking by.

What interests me, then, is why they claimed the classes were not difficult, or why they never offered practical help. The staff were supposedly being trained in Glasser management, but there was no 'time-out' room, and other staff were unhappy that I arranged my own 'time-out' desks just outside my classrooms.

The reports contradict each other, and demonstrate how many staff had exaggerated events. Appendix 7 states that "I and two other head teachers had to intervene". Another statement (10) claims "on one (this) occasion the whole staff from Social Science and English had to run to his room because furniture had been overturned and the students were shouting and banging the desks". This person accuses me of making remarks concerning "burning aboriginals". They were upset that I was not keen on giving my students a test that they were giving their students, as I could not see the educational value of testing students after 2 weeks. This person states that they "tried to give (me) ideas". They were not happy that I wanted action, that I wanted support, not platitudes that were condescending and insultingly offered with the assumption I would not already have tried the most elementary of management methods.

This was from people whose classes were easy to manage, and who had no respect for the problems I was facing. They smugly noted the problems, and simply blamed them on me, assuming that they themselves could, or were, doing better. They were living in denial, and it was extremely frustrating to have to listen to them. They were not interested in any of my ideas or complaints. They chose to give no recognition to the fact that what I was trying

to do was in the interests of everyone. The problem was that they were not admitting to their own problems, and the students were the ones ultimately suffering for this self-delusion of theirs.

Gregg Freeman's malicious purpose in distributing my poem to the whole school, which is what he did by all accounts I have, was to encourage people to feel "threatened" by my presence in the school. All of the reports were written after the poem was maliciously distributed, and all of them refer to the poem as being a reason to fear me.

At no point does anyone comment on the systemic difficulties I had experienced as being a potential source of difficulty, negativity, hostility, criticism, de-motivation, frustration, anger, or defensiveness. No reference is made to the natural source of conflict that arose from me seeking natural justice, and everyone else resenting this, and claiming that I was never the victim of any injustice.

I am never portrayed as a victim in any Departmental document. There has never been any validation of the terrible situation that staffing, the principal, and the education dept. had put me in by forcing me to teach totally outside of my competence, and providing zero support in my efforts to provide a safe and productive learning environment. I had a right to real support, to organised detentions, to time-out rooms, to resources and lesson ideas.

Other teachers may have resented my youth, fitness, confidence, assertiveness, and intelligence, maybe even my lifestyle. There are so many reasons why people behave as they do. Gail Wilkes, Gregg Freeman, and Chris Evans all encouraged the meanness and prejudice in people, to use them to their own malicious ends. The right thing to do would have been to recognise the legitimacy of my grievances, and to have moved me out of Mt. Druitt District ASAP so that I could demonstrate my competence in my teaching areas, and generally as a teacher through that. This had never been done. Every other teacher who had 'reported' on me and had criticised me had had their chance to demonstrate their competence in their teaching area.

Although the names had been removed by WF, I am confident that Appendix 16 was written by Di Redfern. "During a discussion at the 'Glasser' course (n.b that Glasser was supposedly being 'introduced' as if it was a new idea, all the while I was being criticised for employing time-out), Ms. Chu mentioned to me that Markus had given her a folder with lots of things he had written. I asked her what sort of things and Ms. Chu replied that they were 'writings'. I told Ms. Chu that I would be interested in reading them and then the discussion ended and nothing more was said about Markus. The following Tuesday at lunchtime Ms. Chu handed me a yellow folder saying that she had to return it to Markus, but I might like to read it first. ....blank...were present at the time and ....blank (I believe Gregg Freeman) ... arrived soon after. We were flipping through the folder when I came across the 'poem'. I immediately gave it to Gregg Freeman who took it up to Gail. The poem concerned me and I considered it essential to pass it on. "

This statement is similar to another two dated 30.03.00. However the little but significant mutually contradictory statements demonstrate that the reporters are not reliable in their observations.

This, I believe, is the truth to what happened concerning my poem. It proves that I never handed the poem to anyone, let alone made 40 copies and handed them out to all the members of staff as a threat. It is clear that Bidwill Staff not in the Social Science faculty were then later given copies of the poem. The people who gave copies of that poem to other staff members should be ashamed of themselves for causing unnecessary concern, worry, fear, and stress.

There was absolutely no reason to copy and distribute my poem. No-one had the right to read that poem except Ms. Chu (although it was never my intention, but I did give her the folder so I can't complain if she had read it... in fact there is no evidence or statement from her that she herself ever read the poem).

Ms. Chu states in her report that "the materials and language were too hard to read, so I did not read it seriously". She makes no comment about the poem. She does state she showed the folder to other staff members. There is nothing in the statement to indicate any concern or motivation to do so. Di Redfern's statement indicates that Di Redfern initiated the distribution of my folder. Note absolutely nothing in Ms. Chu's reports ever refers to any aggression on my part. Only Gregg Freeman alleges this. If there were any truth to these malicious allegations, then Ms. Chu would have made some comment.

It could have saved me a lot of distress if I had been informed about these statements, statements which prove that I never deliberately gave anyone that poem. Had the Dept. enquired of Ms. Chu whether I had called and told her about the allegations that had been made at District Office, they would have at least some evidence of the malicious allegations that had been spread. In light of Ms. Herring's correspondences, I believe any investigator would want to speak to Ms. Chu. In any case, there is enough damning evidence that corroborates my allegations, which have been consistent over many years.

A statement dated 3/3/00 corroborates my statement that Jakob Appleby had derided and insulted me, calling me "a joke".

Many staff members took offence at my confidence that I had something to offer the world. Some were so petty as to find it offensive or threatening that I was more intellectually competent than 80% of people, according to the N.S.W Dept. of Education itself. I was only referring to State Education testing and H.S.C results. Other test results indicate a competence that they would really find overwhelmingly offensive. It is true that I find lots of things about our world need to be changed, and that I have solutions for many of them. I do understand that no-one likes to be around people who are 'smarter' than them, or confident that they can do what others can't. If anyone had expressed a problem with me, then I could have changed my way of interacting. It is not fair to criticise me for not changing when I was never informed of any need to.

The language used, including "overwhelmingly obnoxious" is pretty strong. Extreme words like aggression and fear and threatening are used when much milder terms would have been more appropriate. The writers have been encouraged to be as strong in their language as possible, and to give vent to their own "bitchiness" or personality problems. I have been constantly criticised for trying to draw attention to the injustice I was a victim of, and which my students had been made victims of. Statements such as "Rehbak (sic) seemed to feel that he had been hardly done by" indicate a total lack of empathy or recognition of my situation, and a lack of respect. I would never refer to anyone by their surname alone. It is a sign of disrespect, or an indication of inferior rank used in the Army.

I must add that the people I was speaking to in the ESL faculty had encouraged me to talk about what had happened. Those who wrote reports may not have wanted to hear. They exaggerated extremely and unnecessarily.

Not one person who did not find offense at my behaviour had been asked to write a statement. Not one person who felt I may have had legitimate grievances was asked to comment. A balanced overview of what had happened had never been sought. What was sought was negative comments. The reports did not arise spontaneously, they were encouraged at a specific meeting whose agenda was malicious.

Under normal circumstances most of the comments would never have been made, and very few would have been considered of any significance outside of normal 'office politics'.

Why someone would refer to the polite gesture of "aren't you going to say hello?" as "sneering" is beyond me. How someone can read a facial gesture from a distance and why they would want to interpret it as "Sneering" is a mystery to me. The person must have some personal motive to want to see a sneer in my friendly gesture.

The statements clearly demonstrate how little understanding and concern there was amongst the staff for my dilemma. The statements make it clear that many people were aware of what behaviour problems I was faced with, and that they had no intention of helping. They were happy to 'crucify' me.

It interests me how so many people can know what was going on in my classrooms in so much detail, and state with so much confidence, that I was "constantly" or "always" doing something or not doing it, when they state themselves that at the times I was or was not doing things, they were teaching classes above, below, next to me, or "walking past".

Examples of how the word fear has been used misleadingly abound throughout the documents, including this one from Appendix 10- "...fear of getting lectured by him about the way the world should be..." This is not a reason to employ security guards at schools, as far as I know. I never "threatened" anyone at the school. The only threat in my interaction with the school was of seeking and obtaining natural justice.

I must note here that it is so unfortunate that people react to fears of terrorism by increasing “security”, rather than focusing on the injustices that breed terrorism. There is no “security” in the world that can protect anyone from terrorism. The only security to be had is called “justice”.

The only victims of violence in this whole story were myself, and those persons that Gregg Freeman instilled fear into by unnecessarily distributing copies of my poem as part of his maliciously instigated “dramaturgy”. The persons who victimised me carried out their threats of violence. If anyone at Bidwill H.S is concerned about their safety, then they should seek the truth, and justice. All I have ever demanded is recognition of the wrongness of forcing me to teach the most difficult children at the school subjects I had absolutely no idea about, and providing me with no resources either subject related or discipline related. Apart from that Chris Evans and Linda Watts need to admit what they read out at our initial meeting, and Linda Watts needs to take a look at what she sent HealthQuest, and admit that she told me it was a standard probationers medical.

All of these things are easily deduced from the documents I have quoted, so there is no reason to continue to lie. If anyone of them is at all concerned that I might be the “sort of person” that they have maliciously tried to convince everyone I am, then they should ask themselves whether they prefer the convenience of not having to admit to their mistakes to the possible violence that they might experience as a result of these mistakes, at the hands of ‘the sort of person’ they claim I am. I cannot take their “fears” to be genuine.

All of the documents at my disposal for a body of what I will call a “Malicious dramaturgy” designed to discredit me. From the very beginning I had offered to be psychiatrically evaluated by a Doctor who has no connection with the Education Dept. and whose opinions had not been contaminated with malicious lies, misrepresentations, biases, and omissions. The Dept. never took me up on this offer. They did not want to find out that I was in fact mentally healthy. As I claimed in my grievances, the Dept. wanted me to be defined as mentally ill, so that they did not have to address my legitimate grievances.

Jacob Appleby (Appendix 18) denies having “physically intimidated” me, but unfortunately for him, another report states clearly that he did, albeit it claimed that we both physically intimidated each other. I will recall the incident in detail when I come to my grievances against him. He can’t deny having withheld my pay slip from me, so he attempted to put a positive ‘spin’ on the act, claiming he was worried that if he left it on my desk it might get lost. That does not explain why he couldn’t just give it to me personally on the day he had actually received it. I had been waiting for it for almost a month. I see no reason why it came into his possession at all. In fact he had told me in no uncertain terms that in his view I had “done nothing to deserve being paid for”.

## **My grievances against Jacob Appleby and Shaun Addy**

I lodged 2 formal grievances against my Head Teacher-relieving-Social Sciences (note the school still use a term which has no current meaning. There is no 'social Science' faculty. The current term, which was years old at the time of my appointment, was HSIE) Mr Jacob Appleby on March 3rd, and then April 8.

## Formal Complaints from Markus Rehbach, against Mr Appleby

## Grievance One

March 3, 2000.

On March 3, 2000, in front of two other teachers, Mr Appleby called me “a joke”, and declared that I had lied about consulting him that I had in fact “gone over his head” i.e. not followed correct channels, about the issue of my appointment and the classes I had been given to teach. He then patronisingly referred to Mr Greg Noonan as my “white Knight”. A few minutes later he extremely aggressively and provocatively pushed against me with his body and glared directly into my face, smiling evilly, denying me exit from the ‘Social Science’ staff room, and preventing me from going to my class. I had left just after the bell went, and he had run in front of me. I felt threatened and extremely concerned that he might attack me physically, as he kept glaring and smiling and pushing me with his hips and body. It seemed he was trying to provoke me into a fight, as students of mine had commented to me previously. This sort of behaviour would 100% be interpreted as an attack in any normal public situation. The only reason I did not physically defend myself was that I could not believe that it was taking place, and could not anticipate such an attack in such a situation. Had Mr Appleby behaved similarly in any other situation then I would have interpreted his behaviour as a direct aggression against me requiring a physical defensive response. In any case, such behaviour has absolutely no place in any professional situation, let alone in a school where we are supposed to be role models to students, and where such behaviour would not be tolerated in students. Such bullying behaviour cannot be tolerated.

He did not give me my pays lip, keeping it in his own draw, when he knew that I had not been paid for a month, and was concerned about what was happening with it.

On March 1, 2000, after we had begun discussing something, he carefully checked no-one was nearby, closed the staffroom door, and then went on extremely aggressively and provocatively to insult me. He used the diminutive to me, beginning his verbal attacks on me with “Rehbach”, i.e. “you listen here Rehbach”, and claiming that I had done nothing to deserve being paid for. He also told me to “go back to Germany”. He threatened me “you wait, Rehbach”.

Previously, he has told the Principal that I had basically offended if not insulted everyone in the staffroom, and was not at all welcome, in so many words. I brought this up when most members of the staffroom were there, and they all stated that they had no such complaint with me, and had made no representation to Mr Appleby with any such comments.

On several occasions Mr Appleby has walked away from a discussion we were having mumbling, “*If you’re not going to listen to me*”, while I was trying to resolve an issue with him.

Previously, he has taken work of mine from the printer and secretly given it to third parties. He has sent students I have sent to him for serious behaviour problems back to me after a few minutes. He has told students I have put on detention for continuing misbehaviour that they could go after 5 minutes, without consulting me.

After finally managing to secure a meeting to settle the problem of my appointment, and arranging to be allowed to go in time to drive to Blacktown, find parking, find the building and then the office, Mr Appleby would not let me leave the office, and went to the Deputy, telling him I did not need to leave until 25 minutes before the meeting. I received a note from the Deputy Principal telling me that I could not leave until then, the end of the 5th period. I had to send an urgent message with a student to the Deputy to get permission to leave. I had, during period one, arranged with Shaun to have my lessons covered.

Just before Mr Appleby’s extremely aggressive attack on me I had been willing to accept an apology from him for having called me “Rehbach”, and asked him for one. This is a prerequisite for me to having any further professional relationship with him. I am concerned that Mr Appleby has a very personal problem with me. I feel nervous and threatened in his company, after such transparently unprofessional and personal behaviour. Unless he apologises to me, I have every reason to believe that he may at any moment attack me, from some underling



resentment, hatred, or anger. An apology would be an act of good faith. I would accept that the situation has been a little too much for him, and would accept that he has every intention of behaving professionally towards me in the future.

I have no interest in pursuing this complaint further if he is willing to accept that he got out of control, that his behaviour was unacceptable, and that he makes a simple apology in acknowledgement of this. This is (sic) in no way to be seen as demeaning, rather it should be seen as an opportunity to clear the water and put the past behind us, so that I can function effectively while I am at Bidwill, in my capacity as ESL teacher, and make a quiet transition out of Bidwill when my transfer takes place.

Sincerely

Markus Rehbach

## **Grievance Two, against Jacob Appleby**

April 8, 2000. In my F.O.I response, Gail Wykes, the Principal, states “I think it is meant to be March 8. What significance this may I have I will have to consider. She also includes Mr Shaun Addy, Head Teacher-History, Teachers Federation Rep. and Probationer coordinator, as being an object of this grievance.

I participated in a conference with Mr Appleby, in which Shaun also participated, in an attempt to resolve my complaint. I am not satisfied with the outcome of this meeting, in which Mr Appleby admitted to having called me “a joke”, and apologised for this, but denied the significant parts of my complaint as having any validity. He continually interrupted me after I had listened and taken notes while he was talking. The agenda of the meeting was derailed, and I believe it was a waste of our time for the most part. Shaun and he both used the meeting to criticise me, and Shaun even expected an apology from me to Mr Appleby.

I am still being victimised for the mistakes of third parties. No one will recognise that a mistake had been made about my appointment, and that I suffered due to it. Mr Appleby still will not recognise that a mistake was made and that I was the victim of it.

I intend to pursue my complaint until I receive an authentic apology from Mr Appleby for his unprofessional and aggressive conduct. I have made every possibility to accommodate Mr Appleby in allowing him to simply acknowledge my complaint as valid and make a simple apology which reflects his own self-reflection on his behaviour in regard to me, in which he recognises that his behaviour was unacceptable.

Mr Appleby claimed that I am seeking “escapism”, and found ways of denying responsibility for his own behaviour, explaining it away, and ‘revising’ history.

Both He and I know what took place behind closed doors, and witnesses heard and saw what happened on the day of my meeting with Greg Noonan.

I insist on a full written apology from Mr Appleby which indicates that he has reflected on his behaviour, taken responsibility for it, and therefore will be in a position to prevent such behaviour in the future. I believe Mr Appleby would benefit from assertiveness training.

Markus Rehbach March 8, 2000.

## **Mr Appleby's Formal complaint against me in response to my complaints Dated 14/3/2000.**

In his complaint he admits that he has a temper, stating that he “sustained his temper as best as possible”. He notes that I had raised many issues with him,- “I have endured retorts as to what has to be done and what does not from Mr Rehbach relating to: staff attire, classroom management, classroom discipline, lesson preparation, marking of classwork, professional attitudes towards workmates, collegial attitudes and participation in the production of work for classes across many KLAs.” He claims “I have not felt safe as comments made by Mr Rehbach as well as written statements and doctrine-like propaganda make me feel as safe as a diner at a cafe in Port Arthur...” This is consistent with all the efforts of everyone I have lodged grievances against to maliciously imply that I am a threat, in what I call a “maliciously instigated dramaturgy of fear”.

“Response to Grievances lodged by Mr Marcus Rehbach on 17th March, 2000 and 24th March, 2000. Gail Wilkes, 16 May, 2000

In response to the claim of mine “that the Principal stated that Mr Rehbach had been flagged as being on a program of support; that the Principal had doubts about Mr Rehbach’s abilities which she failed to specify”, Gail Wilkes stated “Mr Rehbach was to be placed on a support program, however this was withdrawn when, on advice of Ms. Kylie Herring (Industrial Relations) and Mr Greg Noonan (Staffing) it was decided to declare Mr Rehbach a nominated transfer. (Appendix 2-Program of support developed for Mr Rehbach). The document alluded to was not in my F.O.I response. There was never any program of support offered to me. Chris Evans stated that no such program existed.

This is an admission that I was not, contrary to Linda Watts’s statement to HealthQuest, never ever on any support program of any kind. Gail Wykes stated herself that “Mr Rehbach was to be placed on a support program... however this was withdrawn...” In other words Linda mislead HealthQuest, maliciously and to my disadvantage, about me being on “an intensive probationer support program”.

In the same document she admits that “Where possible, senior classes are not given to probationers and Mr Rehbach would not be allocated either of the year 12 Economics or year 12 Business Studies classes”. This precluded me from the very start from being able to teach the subjects that Gail Wilkes and the Dept. had employed me to teach.

She also denies that “the Principal denied that there were problems re: student discipline”. “I deny this allegation. Bidwill Campus is currently training all staff in Glasser/Reality Therapy is testament to the fact that the executive and staff recognise that discipline problems exist at the school”.

This is the first time I ever ‘heard’ Gail admit that there were discipline problems. In every other instance she blamed me, telling me to “turn the eye inward”. Every other teacher who ‘reported’ on me also blamed me for any discipline problems that they observed in some of my classes, which were the most challenging classes in the whole school. Time-out rooms and desks are a key element of the Glasser system. Staff who ‘reported’ on me were upset with me placing students just outside my classroom door, in “time-out desks” where I could see them, but where they could not disrupt the class, or be ‘disrupted’ by it. I suggest you visit the school today to see if they in fact have introduced “time-out” provisions, or whether that had proved too demanding for them, and they continue to make the classroom teacher responsible for all discipline, and detentions.

The Principal claims that all reports regarding the alleged failure to comply with ‘duty of care’, were “consistent”. In fact they contradicted each other. One report states that the heads of two departments were involved, the other states that the “entire staffs” of two departments were involved. It would be unlikely that the entire staffs were present at the time, and had left all of their own classes to attend to my class.

The Principal replied to my claim “that the school...failed to comply with government objectives re: properly managed detention classes and discipline officers” by claiming that “During term one, 2000 62 suspensions and one expulsion were applied to students at Bidwill Campus. This means 62 students were suspended a period of around 10 weeks. (Appendix 12Term One, 2000 Suspension Data-Bidwill Campus). It is noteworthy that absolutely no centralised detentions, let alone any organisation of detentions, let alone “discipline officer” existed at Bidwill. As Greg Freeman stated, the school had basically given up the previous year, as detentions had failed to work. In fact I have been told at all of the “bad” schools where I have worked, in Parramatta and Mount Druitt District, that the classroom teacher is responsible for all discipline and detention.

I would assume that few other schools in the State had the need to suspend so many students, but will stand corrected if anyone can prove otherwise. I expect that many of the students in my classes were among these suspensions. If Bidwill H.S was not a “difficult” school, as I contend, then why the high number of suspensions. And if Management in Mount Druitt were so effective, active, and competent, then why had it taken decades for them to “try out” the Glasser system, which I have been involved with personally since I began teaching? Why was my request for time-out provisions for my students regarded as “threatening” or “disturbing” or somehow indicative of a lack of empathy or concern or positive motivation? I was the only teacher in the school who had not been placed on the Glasser course, and yet I was the only one in the school who had actively adopted elements of the Glasser system.

Chris, Chris, Chris...

I was so appalled and dumbstruck by the following statement of Chris Evans in a letter to Ms. Herring, Industrial Relations Services, dated 12 April 2000: “I believe that I have been extremely patient and sympathetic to Mr Rehbach ’situation.” There is not one bit of evidence to support this. I am speechless that Chris could be so... (I am lost for words), as to make such a provocative statement.

He is replying to complaints of mine “That at the initial meeting with Mr Rehbach I (he) used a report from the Principal as the basis for discussion and refused to provide a copy of the document to Mr Rehbach”. He writes “I indicated to Mr Rehbach that I had received a briefing from the Principal, which was an internal report between myself and the Principal. I further indicated that he would receive a copy of the formal report when the Principal had finalised and signed off on the document. Mr Rehbach was handed a copy of he report on 24 March.”

Mr Chris Evans, I hereby formally request a copy of the “briefing” that you received from the Principal which I have been requesting ever since March 15. Your failure to provide me with this “background information” is the reason why I have, with the express support of the Director of HealthQuest at the time, Mr Casolin, been compelled to postpone any psychiatric assessment of myself by Dr. Gapper or any other HealthQuest employee.

## Echoes from my past as a casual teacher

The response to my F.O.I request included information which had been kept secret from me. The documents are 'reports' of Trish Miller, dated 18 December, 1998.

Trish Miller had been the Principal of Pendle Hill H.S. I had recalled earlier how she had maliciously failed to send in sick leave request forms with absolutely no intention of telling me. I had recalled how she had attempted to cancel my contracted teaching block of 5 weeks during the first week. I had had to request Departmental assistance on both occasions to get Ms. Miller to do the right thing. She had threatened to have my casual teaching permission revoked. She had told me that she had had no intention of informing me about any of this.

This is the typical sort of gutless backstabbing behaviour I have come to expect from the Dept. I was only 'informed' of her intentions when I discovered that my applications for sick leave were still on the Deputy Principals desk, when I had been promised that they would be sent days ago when I had submitted them. It was only when I confronted her about this that the truth came out.

I did lodge a formal complaint about the matter.

Comments of hers that I have only just been allowed to see, remind me of a particular incident. I had just been at a meeting with her at which I had complained of a lack discipline and support for discipline in the school, not just in my own classes, but in classes I had observed. She had told me what a great school hers was, and what great discipline they had. We walked out into the playground after this. The Deputy was there also. The Principal asked a student to pick up something they had dropped on the ground right next to us. The student responded with a few rounds of "fuck off". I quote this verbatim.

What was sociologically interesting was that the Principal preferred to pretend it had never happened, maybe as she did not want to perceive any problems in her school, a school that had no problems! I did read some material (Ms. Miller claims I had a detailed and intensive meeting with Ms. Christensen and Ms. Forshaw) explaining the principles of "Choice Theory" and "Reality Theory" which the schools code of conduct was based on. If my memory serves me, I faintly recall finding the documents ridiculous and in fact dangerous in terms of what they might be teaching students about life, about consequences, about the world.

My experience is that if you question people's own self-congratulatory delusions about the efficacy of their systems and their competence in any way, you will be victimised. Do not challenge their indulgent fantasies in any way, or you will be crucified for it. Do not dare to intimate that there are better ways of doing things, for this would implicitly represent a criticism of how they are currently doing things, and thereby challenge their egos and their self-definitions.

As long as no-one challenges them, they can live in their own little 'social realities'. They can kid themselves that they are doing well, and caring for their students. They will go on doing so until someone demonstrates superior alternatives and outcomes, and thereby illustrate the opportunity costs of their own ways. Of course this assumes that schools exist for positive student outcomes, and this might be a naive starting point for evaluating particular school cultures.

Other comments remind me of how permanent staff often leave casual staff waiting. Teachers actual defined my interactions with them as 'rude interruptions'. In several cases where teachers were talking about private matters, or chatting with students, the teachers totally ignored me for minutes on end, so that I was forced to politely interrupt. This is one of the frustrations of doing casual work. The permanent staff have a real attitude towards them. They claim they earn more when they in fact earn thousands less in the best case scenario, and work less, when in fact I was informed at Pendle Hill H.S that casuals can be forced to teach every lesson.

This was one ground for conflict. A full teaching load is much less than what they believed they could force casuals to teach. I asserted myself, and argued that as I was taking the full teaching load of a permanent teacher for 5 weeks, that I should not be forced to teach a lot of extra lessons. Other permanent staff resented this. They believed casual staff should be forced to teach every lesson. In fact I often had to work 5 hours straight due to playground duties I had been assigned, playground duties not assigned to the teacher I was replacing! Permanent staff also consider that casual have no right to offer suggestions or criticism, or to complain about any poor conditions or treatment.

Students had clearly learned that they could behave as they wished, with total disrespect at times. When I attempted to impose even a minimum level of discipline, students made complaints about me, and the management used these against me for their own malicious ends. Students learnt at schools like Pendle Hill H.S that they can provoke and 'play' with teachers. Students expected teachers and other adults to move out of their way when walking. Students had learnt to defy reasonable requests. They had learnt that they had no need to listen to the teacher when the teacher was explaining, as they could ask them later what they had said. If this meant the teacher ended up explaining themselves individually to every member of the class, well, that was their job after all. Students had been so pandered to that they responded to any reasonable behaviour demands insolently, and recalcitrantly.

They knew especially that they could bring casual teachers to tears, as these teachers had no status in the school. They saw how other permanent staff related to them. They need only petulantly complain about a teacher and another casual, desperate for work, and forced to teach casually as a pre-requisite for ever being offered a permanent position, would be there to replace them.

Trish Miller, the principal of Pendle Hill H.S 'reported' on me secretly, and even states "I have also attached some in-school documents which I do not wish to be included in my formal response but which do give a sense of our experience with Mr Rehbach and the outrage felt by staff regarding his allegations and by students regarding his teaching".

In other words she wished people to form opinions about me based on information she was not willing to make public, to which I therefore could never respond to, or counter, or disprove. I would never know on what basis people had formed opinions about me as I would be denied the information. I cannot see how such behaviour can be accepted. It is highly unethical. It is the equivalent of spreading malicious rumors and being unwilling to be responsible for the rumors.

In the 'report', the teacher whom I was replacing claimed that she had left detailed work for her classes. In fact she herself admits that "Many of the unused sheets were in the cupboard in my classroom as well as the Year 10 booklets. I was told that the work was not completed as the sheets had been 'lost'". In fact no-one apart from herself knew where she had left most of the work. During the time I was at Pendle Hill H.S no-one in the staffroom could find the lesson materials that the teacher referred to. I wonder how she expected we would simply know where she had left everything?

In my complaint concerning Ms. Miller I quoted a teacher having called one of their students a "turd". Ms. Miller gave a long explanation as to how this was "untenable".

A student had called me a faggot, within clear earshot of other teachers. I asked them if that would go unpunished. No-one was interested. In fact the Principal noted that I had changed my hair color twice during my teaching block, first to "bright yellow" (A bleach job gone wrong) and "jet black" (to cover up this botched and ugly bright yellow). She goes on to state her opinion that "Clearly, it could have been precipitated by his startlingly changing appearance (rather provocative)."

I was criticised for having 3 whole classes on detention. As I was told that all discipline was my responsibility, and as I was determined to achieve an acceptable classroom culture, I ran a number of detentions during my own lunch and recess breaks. I was a few minutes late to one and the students felt they could complain about them being required to attend at all, and that I had arrived late for my own detention. That such a complaint

would be documented indicates the true culture of Pendle Hill H.S. The students appeared surprised that any teacher would dare attempt to make them accountable for their misbehaviour.

A computer studies class actually enjoyed taking the door handles out of our classroom door, during lessons and before lessons. We were actually locked in on one occasion when a student did this and threw the handles out of the room. We had to be let out by a maintenance worker. No support was given to me about discipline. Other teachers simply accepted poor behaviour, perhaps out of necessity to avoid the unmanageable burden of paperwork and detentions, or perhaps out of a lack of interest in the welfare of the students in their care. Note that the teachers own children were in private High Schools, and that few if any actually lived anywhere near the school.

The students were even encouraged to complain that I had asked them to try and teach, to see how impossible it was to do given their current behaviour. They responded to this with sheer petulance and recalcitrance. They totally ignored my direction that no textbooks were to be taken out of the cupboard, a direction I had in writing from their teacher. They simply ignored me and walked around me, grabbing texts, and slamming the door shut. They had been taught that they were allowed to do whatever they wanted.

The student's complaints were all in response to my attempts at producing some minimal level of discipline and a classroom environment that facilitated teaching and learning. They took great pleasure in provoking me, and in twisting my words. They 'played' with me. Casual teachers are 'toys' for students at many schools. As many people will attest, especially students, the favourite game of students is often to frustrate the casual teacher until they break down in tears. I have seen so many casual teachers crying and having near 'nervous breakdowns' in response to their appalling treatment by students, and often permanent staff.

Few people are willing to teach casually in many districts. This is why the Education Dept. made casual teaching a pre-requisite for permanent employment, to force teachers to work under conditions they would otherwise never accept.

Other staff actually believed that I should clean up the rooms after the students. It was clearly the student's responsibility. I of course was responsible to encourage students to clean up after themselves, but I am convinced it would be inappropriate to clean up after them. Of course to tidy up a bit is fine, but if students deliberately move furniture around and make a huge mess, then it is for them to make good. They are less likely to behave badly if they are made accountable for the consequences of their behaviour.

In many schools the janitors and cleaners are expected to pick up rubbish dropped by the students in the playground. The teachers have given up on insisting on even the minimum of respect and behaviour from students. I find it immoral for School management to force cleaners to pick up rubbish that was willfully dropped by students.

Walk down a street or shopping mall in western Sydney and see how many young people expect adults to move out of their way. Students that are pandered to are taught that there are no consequences for bad behaviour, and that adults are their 'slaves' and playthings. Adults exist to pick up their rubbish. Adults can be provoked and toyed with and they have no right to respond. Children are taught that they have all the power and rights. This is what current teaching and management practices at many schools that I have taught at are tacitly and powerfully teaching their students.

Once more I am overwhelmed to read how other teachers were disturbed that I was not keen to listen to their 'advice'. It was like being forced to listen to advice on health and fitness from an obese, alcoholic, nicotine addicted, and malnourished person. They were so 'living-in-denial' about their own classes and schools, and so self-congratulatory and smug about their own abilities and competence. It was almost unbearable to have to stand there and listen to them. Not once did any teacher actually 'demonstrate' the efficacy of their advice by showing me. On many occasions I felt totally insulted by assumptions that I had not done the most obvious things, implicit in inane recommendations of the most elementary kind. The incident with the "fuck you" and the principal are typical of my experience, whereby one moment a member of staff would claim this or that worked, and the next the behaviour of the students demonstrated irrefutably and incontrovertibly that they were deluding themselves.

I really am convinced that many teachers are merely going with the flow, and have either no awareness of the opportunity costs of their behaviours vis a vis the alternative and better possibilities, or simply do not care anymore. Teaching is for many a necessary evil, rather than a vocation. Put cameras in class rooms and playgrounds and staff grounds and see for yourself. Offer a teacher a job and see how quickly they will take it, if it offers the same pay and conditions. (Of course I wouldn't recommend you employ them!)

What concerns me most about all of this is that the IRS who claimed to have 'investigated' my grievances, "assumed" that comments made by Ms. Miller were true, including ones that "Consultations with other Principals in the local area would reveal that Mr Rehbach was regarded as "not to be further engaged for casual employment" at Plumpton HS, Girraween H.S, Arthur Phillip HS and Macquarie Boys' High School".

No-one from the IRS ever contacted any of those schools to verify this malicious allegation.

My experiences at Plumpton HS and Macquarie Boys H.S were similar to those at Bidwill. I can easily accept that they might have found it uncomfortable having me there as a witness to the reality of their management practices and outcomes. I had no desire ever to teach at any of those schools again. The teachers at those schools had expressed a total defeatism and fatalism about abysmal working conditions. Every teacher I ever spoke to about their grievances stated clearly that they had been threatened and victimised or ignored when they attempted to address school management.

They all clearly stated that they did not trust the system, and would not ever lodge any official grievances as they feared victimisation. A teacher at Macquarie Boys' H.S comes clearly to mind. It would, however, have been polite to have been told that I was regarded as not to be employed, if it is true.

I do not believe that Girraween H.S would have such an opinion of me. I had been asked for by name by all the teachers whose classes I had taken, including Art and English. I attended Girraween HS myself as a student, and the Principal had fond memories of me. I have listed Phil Mansley as a reference. He stated to me that he would have offered me a position as economics teacher if they had had one to offer. I will contact the school and find out.

However, what is more concerning is that the IRS have the habit of "assuming" that everything they are told is true. An investigation which consists of assuming every report to be true, that is every report but mine, is called "photocopying", and "colluding".

I have not reported on this following fact until now, hoping to avoid getting commissioner offside. Now that she has demonstrated her incompetence and lack of independence, I have nothing to lose by revealing the truth about her handling of my case. As usual, I felt an obligation or debt to anyone who made any show of helping me gain natural justice. She had appeared to be taking my case seriously, and providing me with access to a fair and due process, my 'day in court'. As usual it was all dumb show, or incompetent bumbling. It was an insult to the taxpayers who actually conscientiously work hard and pay their taxes, that their hard earned money is wasted on bumbling indifferent bureaucrats and their self-serving processes and procedures and total lack of accountability. It is true that I gave up and did not lodge an appeal. I was overwhelmed and felt unable to endure any more trauma. I had no access to legal representation. The system had no concern for natural justice, merely of 'impression management'.



**This is what happened during my first teleconference with the Commissioner and someone from the N.S.W Dept. Of Education.**

She stated to me “off the record”, that she herself had been a teacher, and that as far as she was concerned, the Dept. looks after its employees, and would never do to them what I was claiming they had done to me. This is a clear statement of bias. She should have removed herself from my case, given this clear prejudice in favour of the defendant, and against the interests of a balanced and neutral consideration of my case. It is important to note that the representative from the Education Dept. had not prepared in any way whatsoever for the conference, had no documents other than the original Departmental rejection of my claims, and had absolutely no idea about any of the details of my case. He was allowed to malign and libel me, in an infuriating manner, with absolutely no idea what he was talking about, and not one document from my file. He admitted so much. The commissioner merely colluded with him, allowing him to insult me, and supporting his absolute lack of preparation as being acceptable. When I made my reply, I was severely reprimanded by the commissioner, who threatened that I could be sued for claiming that the Dept. had victimised me. She was very aggressive and threatening in these comments. And this directly after some bumbling buffoon had turned up totally unprepared, with absolutely no knowledge of any details of my case, and had proceeded to slander me, insult me, ridicule me, and libel me.

## Interrogations

It is only now that I have been in a position to “interrogate” the investigation itself. What I find is disturbing. It appears that the collusion and conspiracy to deny my natural justice included the IRS, represented by Mr P. Phelps at that meeting in Sydney, and the head of the Legal services Unit, Mr Freakley. Mr Freakley lied to me at that meeting that my case was “closed” and that I had no right of appeal. He has falsified the minutes to state that he told me I had a right to appeal, and that I expressed surprise at this.

There is no evidence that any letter was sent or received by myself concerning my annulment, and need to appeal it within 14 days. There are copies of a letter of that nature in my F.O.I response, however no proof that it was sent or received. In fact the address on that document was not my current address at the time it was allegedly sent, as other documents received by the Staffing at Blacktown attest.

It was Mr Freakley who denied me access to some key documents. He did, if my contention is right, “hoist his own petard”. His failure to investigate my case, his failure even to read through my files, has led to him providing me with “collateral” documentation that demonstrates his participation in my annulment, and supports my consistent contentions regarding my first meeting at Mt Druitt District Office. He did in fact release documents to me that I believe breach privacy legislation. I have already detailed his ignorance of my case and file in the description of my meeting with PP and WF in Sydney.

Please note the context, again, in which words like “threat” are used. I made “threats” of legal action in a letter to Greg Noonan. If we merely shorten the sentence, to provide a brief summary of “the sort of person we are dealing with”, then we can add to the “dramaturgy of threat and aggression” by summarising my behaviour as such: I made “threats” to Greg Noonan. Where I “threaten to seek as much public attention...as I can”, I can be defined as once more “threatening” someone, or the Dept. Add some props to the ‘dramaturgy’, say, a Security Guard, and a 10 year old heavy metal song never intended to be read by anyone at the school, and we have a teleological fait accompli. I don’t think I want to be left alone with myself after “learning” what sort of “person we are dealing with here”.

And if you repeat a lie often enough, everyone just assumes it to be true, Right Mr Goebbels, or is it Wilkes/Watts/Herring/ Phelps/Freakley...can’t quite place the name! I have consistently, since April 16, requested a copy of whatever document Chris Evans read out at our first meeting. I made this a simple condition of attending any HealthQuest appointment. The Director of HealthQuest informed me per telephone that I was well within my rights to put off attending until I had that document. Every reference to my failure to attend these appointments misleadingly claims that I was given a copy of the document I had requested, or that it had been couriered to HealthQuest.

Chris Evans reveals in his comments that what he read out was an “internal report”, but then goes on to mislead by claiming that no reference had been made to claims that “I had handed out copies of the poem to members of staff as a threat”. We must remember that the reports which stated or reflected fear of me were all written after that poem had been circulated. Many reports state clearly that respondents to the survey ‘please write something indicating Markus was a threat and dangerous’ indicate that it was only “after reading the poem” that they felt “threatened”.

And now we come to the collateral evidence that I believe Mr Freakley would have removed had he ever actually investigated my case, or read through my files, especially the ones sent to me. I assume he had access to all files concerning my appeal for natural justice. If he failed to seek them out, then he did not take his investigation seriously. Emails between Ms. Herring from Industrial Relations, who claimed to have investigated my case, and Linda Watts, who had been colluding with Chris Evans and Gail Wykes and Gregg Freeman ever since March 15 at the latest, make references and suggestions which have not been documented elsewhere, and make no sense in any

light other than in light of my consistent claims of what was really read out to me, and what was really alleged of me, and what would have been 'installed' as 'Departmental reality' had I not managed to contact Ms. Chu.

**Document 00/0165, scribbled 96282413, and titled “Department of Education and Training; Markus Rehbach-Annulment of Probationary Appointment; Determinations of Formal Complaints.**

This document states that the Principal raised “...concerns for the safety of staff following the circulation of poetry written by MR Rehbach”. This is a statement that it was in fact the circulation of the poetry that produced safety concerns. The safety concerns were in fact produced by those people who, maliciously and against my wishes and legal property rights, both physical and intellectual, copied and circulated my poem to members of staff at Bidwill H.S, with the malicious intent of producing fear of Markus Rehbach.

The harm that was done was intentional. Those who circulated the poem did so with the intent of scaring the staff of Bidwill H.S, with the intention of inducing insecurity and fear. This damage was done deliberately by, it appears, Gregg Freeman. He is responsible for the need to post security at Bidwill H.S. He is responsible for any distress that anyone suffered in relation to my poem. He accepted this “collateral damage” as an acceptable cost of defaming Markus Rehbach.

In fact Mr Gregg Freeman was responsible for what Chris Evans refers to as “the numerous concerns expressed by staff at Bidwill H.S for their personal safety.” It is unfortunate that many people have suffered at the hands of Gregg Freeman. I am sorry for any distress they may have suffered as a consequence of Gregg Freeman’s attack on myself. He should be ashamed of himself. There is no telling what genuine distress his actions may have caused. Given that I am not allowed contact with anyone from the school, I can make no claims to knowledge about their experience.

Mr Geoff Berry Training and Development/Curriculum coordinator has never been contacted. I have no statement from Mr Geoff Berry Training and Development/Curriculum coordinator. He was a key witness. He was at the last meeting in which Chris Evans stated that he would never give me the information I needed to attend HealthQuest. Mr Geoff Berry Training and Development/Curriculum coordinator witnessed how much “patience” and “empathy” Chris Evans in fact demonstrated towards me. Mr Geoff Berry Training and Development/Curriculum coordinator witnessed Chris Evans barely contained rage and lack of professionalism.

**A Document dated 30.06.03, titled “Comment”, and numbered 194(?), at Point 1: (TAB 37 – folio 152)**

“Mr Rehbach states in Notes to his letter dated 27 May 2003 that ‘Had I been given a copy of the original report I would have happily been assessed, and proven that the Principal had lied and that other senior members including the district counsellor had lied and conspired to deny me justice and even reality.’ (TAB 48-page1-para 6) “There is no evidence in the Report to substantiate Mr Rehbach’s claims”. This is a sublimely teleological response to my allegations. Of course there is no evidence in that report, because it is not the original report. No-one will give me a copy of it.

However, correspondence between Gail Wilkes and Ms. Herring, an Industrial relations officer keen to offer advice on “handling” rather than ‘investigating’ my grievances and subsequent complaints and appeals, is very revealing.

At point 6 in the same document: “It should be noted that the matters of concern arose very quickly and the action identified as necessary precluded further investigation of an alternative placement” In other words I was lied to when I asked for confirmation that an alternative placement was being sought for me. It was not. This action had been “precluded”. They were not seeking an alternate placement for me, they were seeking to crucify me.

A Mr Reg Pollock, who has never met me, nor investigated my grievances, states that “Mr Rehbach’s actions over the last 3 years are totally unacceptable”. He signed and dated this statement 2/7.03. I guess Mr Pollock is expressing the truth about the Department, namely, that seeking natural justice and pursuing the investigation of grievances and complaints is unacceptable in the Dept.

An ERCS-Case summary Report dated 09/10/2003 gives the case description: Probationary teacher with medical/misconduct issues. I would like to know what “medical” issue I have? Who is it that considers themselves qualified to question my medical condition? This again forms part of the “dramaturgy” and propaganda. Constant references are made to a supposed medical condition over 3 years until it becomes “Departmental reality”. There is also no evidence of any misconduct. In fact I discover here that my Case Officer was in fact Kylie Herring. As we have seen from her correspondences with Linda Watts, there is every reason to consider that she was actively conspiring and colluding with Linda Watts and the rest of the Dept. Ms. Herring states that I never responded to a “show cause” letter. There is no evidence that such a letter was ever sent. If it was sent it would have been sent by registered mail, and I would have had to sign for it, and the dept. would have received a copy of that receipt notice. I never received that notice. I was “homeless” at the time and had registered my telephone number with Staffing in Blacktown. They did not try to call me to get an address, or to inform me of the contents of the letter.

Point 2, of document 034j.rg.doc, states that I “was not happy” with my teaching load. This indicates the feelings and opinions of the Education Dept. regarding the injustice they had committed on me. They show absolutely no empathy or remorse or sense of responsibility for anything that happened.

Point 14 and 15 claim “Mr Rehbach was advised on 5 July 2000 by the General Manager of Personnel that he was considering moving to annul his employment and gave him 14 days in which to provide a written submission showing cause why his employment should not be annulled (Folio 155). As there had been no response from Mr Rehbach by 15 August the General Manager of Personnel annulled his appointment (Folio 151) and advised Mr Rehbach of his decision (Folio 152).

A document, dated 23/10/2000, and titled D.E.E.T, Markus Rehbach-Show Cause re:NTBE list, states that the Dept. knew that the letter sent was addressed to care of my last known address. This is in spite of the fact that

they stated “Note: Mr Rehbach’s last correspondence stated “homeless” on the reverse of the envelope. Other documents prove that the Dept. had my current phone number. They never attempted to call me on this number.

Much more damning is the “BACKGROUND: 15/8/2000 Letter advising appointment to be annulled with effect from 25/8/2000 (TAB A) 5/9/2000 Minutes of meeting with Mr Rehbach, Senior Manager IR (it may be extremely noteworthy here that this person is not named-as it was in fact Peter Phelps) and Wayne Freakely, Legal Officer (TAB B). COMMENT IRS have received not notice of an appeal of the decision to annul Mr Rehbach’s appointment.

Remember that at that meeting I had been deliberately mislead, i.e. lied to. I had been told that my case was “closed” and that I had “no right to appeal” the decision. Kylie Herring signed this document on 23/10/2000. It appears that Peter Phelps, Kylie Herring, and Wayne Freakely were in ‘cahoots’.

References are continually made to my “refusal to attend” HealthQuest Appointments. In fact I never refused at any time. I exercised my right to postpone any assessment until I had the documents I had been requesting. It is of course part of the “dramaturgy” that it is constantly repeated that I failed to attend. No comment is made regarding the legitimate and legal grounds for my “failure to attend”. No document ever refers to the accurate description of event i.e that I had in fact postponed any HealthQuest appointment until I was given a copy of the report I had consistently refereed to, with the express support of Mr Casolin, the Director of HealthQuest.

## Another example of the “dramaturgy” is statement in 00/0165, 18912

D.E.T-Markus Rehbach-annulment of Probationary Appointment/ Determinations of Formal Complaints. “Mr Rehbach undertook a teaching program including geography, maths and tourism. Mr Rehbach indicated his dissatisfaction with his teaching program...” I did not undertake anything, I was forced to take these subjects. To refer to my condition and situation merely as “dissatisfaction” demonstrates the other side of the dramaturgical coin. Any statement about my wretched situation was so understated, as any negative statements about me were overstated. I note that none of my more positive and upbeat poems were referred to, nor any part of my moral philosophical manuscript, in which I seek to eliminate all forms of violence.

The letter, according to another document, was putatively sent on 23 October 2000, by the Manager, Industrial Relations Services, to provide me with an opportunity to provide reasons why I shouldn’t be blacklisted. (Folio 189) This folio contains a letter, but no proof it was ever sent or received. I am certain it was never sent. I never received it in any case, let alone signed for it.

Excerpts from my complaint regarding my HealthQuest appointment

At the time that I wrote the following passages I was not aware of the practice of “HealthQuesting”, nor that it was widespread within the N.S.W Education Dept.

Linda Watts had sent a letter accompanying the request for a medical examination. All quotes are from the complaint I wrote regarding this letter.

“I am appalled at the nature of the letter and its context. The letter makes false or misleading descriptions of my behaviour. These descriptions are presented as factual, when in fact they have never been substantiated, or documented. The report referred to grounds for a formal complaint which has not yet been addressed in any way. The allegations in it have not been supported by any evidence at all. And this is being given to a medical practitioner who is meant to make an ‘independent’ evaluation of my (mental) health.”

Suddenly I comprehend what the Dept. means by “independent”. They mean independent of any other purpose other than to gain an “unfit for service” certificate.

“This request proves my contentions that Gail Wykes is attempting to absolve herself of responsibility for events by claiming that I am mentally ill.”

“The covering letter signed by Linda Watts is as violently biased in its omissions as in its inclusions”

I must insist that if I am to be psychologically assessed that it be done in a professional and independent way. It is absolutely unacceptable to be preceded into a psychological assessment by such a scandalous reputation. It cannot be considered a sound practice. If in fact it is protocol, then the protocols is unethical and requires revision. Anyone with a Sociological background would be shocked by such a protocol, and the way it has been implemented in my case.”

“I am keen to have this assessment as soon as possible, and have made representations to Linda Watts to that effect. I cannot, however, submit to such a riotously fatuous and unethical process.”

“Sending persons who question the validity of decisions made by persons of authority for psychological assessment is something that happens in corrupt authoritarian societies, as was the case under Communist rule, Nazi rule, and in Orwell’s 1984. It is appalling to experience it in a ‘liberal democracy’.”

“Please specify why the examination is “urgent”, and why nothing is being done about addressing my formal complaints concerning Jakob Appleby, Chris Evans, and Gail Wykes.”

“I insist that I be given legal advice as to the legality of the behaviour of Linda Watts in terms of the nature of the information accompanying the request for a medical examination.”

“Appalled and incredulous”

Markus Rehbach

I believe that students' parents in Mount Druitt district should launch a class action lawsuit against the Education Department for failing to meet the needs of the students in their care. I believe the State Education Department has demonstrated its lack of ethics and morals, and its obsolescence. I would love to set up a school myself. I believe the private schools should receive at least the same funding as the state schools. I believe every student should be able to choose between a state system that shows little respect for them and a private school where students' needs are respected and catered for.

I would be pleased to discuss these issues in any forum, any media, anywhere, with any audience that is interested.

Note that the Ombudsman's' office replied to this grievance by stating that they do not deal with employment related issues. That that office, the last resort of the victimised, decided to define an issue of basic denial of natural justice, access to due process, and victimisation, as outside of its 'jurisdiction compels the question of what in fact the ombudsman's' office believe to be their role and jurisdiction.

Violence begets violence-Victimisation and injustice breeds terrorism, don't kid yourself otherwise!

Whether victimisation takes the form of military invasion, systematic injustice against an ethnic group, or systematic injustice against an individual, the individual experience of the injustice is the same. In the first instance, civilised people seek to address their injustice through the institutions which have monopolised violence for themselves, the state and its legal system. The legal system is based on the threat of violence, including the threat of death and incarceration. But the state can only demand respect for its monopoly on violence where it actively provides a system for the pursuit of natural justice, and the handling of grievances.

Mobbing shares the same defining characteristics, whether at an individual, group, departmental, system, state, or international level. It is opportunistic in taking advantage of imbalances of power to victimise and take advantage of other people. We must offer victims the chance to gain natural justice, to feel that they have been given due process. It is only then that victimisers will think twice about abusing their power. It is only then that the state has a legitimate monopoly on violence, and on the threat of violence.

Injustice is a form of violence, as hurtful and damaging as bombs and bullets. Every time we deny someone natural justice, we contribute to the violence in the world, and hence increase the likelihood of ourselves and our loved ones becoming victims of violence.



## **Notes on the Kerrison case currently before the IRC**

I was directed to the Kerrison case by an IRC Employee who had called me at the request of the office of the local State MP Daryl Maguire, and the Premiers office, in Wagga Wagga. All of these details can be verified by visiting the IRC Website, and clicking on the link to IRC cases, and then searching for 'Kerrison'. I am filing my own appeal for relief from unfair dismissal based on the similarities of my case with the Kerrison case, and its 'success'.

## **Industrial Relations Commission of N.S.W in Court Session-Kerrison v N.S.W TAFE Commission (2003) NSWIRComm76. File No: IRC3124 of 2000.**

The court overruled the TAFE submission that the IRC had no jurisdiction in this case. The IRC ruled that the failure of Ms. Kerrison to bring proceedings for a number of years was also no ground for denying her an IRC hearing.

Coram (judge?) Schmidt J

The Education Department have a QC defend them. Ms. Kerrison represented herself. (The department is unwilling to fund basic school needs, but will waste tens of thousands of dollars on a QC to deny its employees natural justice!)

The case consisted of 12 hearings between 07/12/2000 and 14/11/2002. The Judgment date was 21/03/2003. Cynically, the Education Department has appealed the case. The aggravation of injustice is typical of the Education Department in my experience.

Orders: Restoration of all accrued entitlements, i.e. financial compensation for loss of pay and superannuation with interest, and all long service and sick leave entitlements, and recognition of service. To treat Ms. Kerrison as having been an employee at all times since 1988 (when she was 'medically' retired). That there had never been any valid, effective, or lawful termination of her employment. All records containing untrue statements and false allegations to be removed from her personnel files. Public notices to be published in the local papers and teachers gazette – statements of regret for false allegations and the distress resulting from the failure of TAFE management to protect her from false and unfounded allegations. Ms. Kerrison would not be required to attend an examination at HealthQuest. If a medical examination should be required, Ms. Kerrison would get one from her own G.P.

The court found that Ms. Kerrisons' fundamental human rights had been denied her. TAFE had failed to gain her consent for the psychiatric assessment for the purposes that TAFE intended. "A forced psychiatric assessment or one achieved by deliberate deceit is prohibited under the United Nations Universal declaration of Human Rights. (At article 19).

My notes: the 'gag clause' in the teachers' employment contract with the Department of Education contradicts the position the IRC has on the rights of employees to express themselves.

The court found that TAFE had no interest in Ms. Kerrisons' health or wellbeing...it rather desired that a vague or uncertain order be made, so that further impediments and limitations could be imposed on Ms. Kerrison.

Ms. Kerrisons earnings should not be considered in calculating the compensation...due to how hard it was for her to find work given the circumstances of her 'dismissal'.

Case notes: note the similarities to my own experience

Ms. Kerrisons' Teachers federation representative, and her Human Resources Officer, both advised her to resign, after hearing of her grievances. She had been warned by her superiors against lodging grievances...it would be "dangerous" for her, at a meeting at which she had not been invited to have anyone present as a witness. She therefore justifiably feared retribution based on this harassment and victimisation if she lodged a complaint.

Both the TAFE Registrar and Rehabilitation officer falsely reported threats of using firearms to harm another employee.

Ms. Kerrison never got a copy of the report of investigations based on the grievances she had lodged. The practices she had complained of had continued after she had been told that her grievances had been investigated and addressed.

Key witnesses cited in Ms. Kerrisons grievances were never contacted. Ms. Kerrison was never informed of the scope of the investigation or what it had revealed. Her understandable frustration and anger with this situation was used against her, by doctors paid to interpret it as some sort of personality disorder.

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**An international perspective on mobbing and workplace victimisation: providing a context for my own experiences, and offering an overview of international research into mobbing and toxic workplaces**

**The general moral and societal context of an interest in mobbing**

**A brief overview of the mobbing phenomenon**

**What is mobbing?**

**What are the motivations for the mobbers?**

**Is there a typical profile for persons more likely to become victims of mobbing?**

**Is there a typical organisational profile in which mobbing is more likely to occur?**

**How widespread is mobbing?**

**What are the costs of mobbing?**

**Post-Traumatic Stress Disorder (PTSD)**

**What can be done to prevent and deal with mobbing?**

**What legal remedies are in place to protect workers from mobbing?**

**References**

**The general moral and societal context of an interest in mobbing**

## What is mobbing?

The term “mob” is generally used pejoratively. A mob is usually a group of people who are behaving without regard for values such as fair play, justice, ethics, or law and order. Hence we have the ‘lynch-mob’ that takes so called ‘justice’ into its own hands. The mob is usually unruly and angry and violent. The mob has no respect for moral conventions. The mob defines itself as a power unto itself, answerable to no-one. The mob looks towards its ‘safety in numbers’ and ‘numerical superiority’ for moral support.

‘Might is right’ and ‘majority rule’ define this groups sense of moral superiority over the established wider values and laws. The mob cannot be controlled as such. It is ‘out of control’.

Only a strong and determined authority can challenge the mob and force it to recognise and respect the conventions and values of the wider community. The mob represents the break-down of law and order. Law and order are the basis of positive and productive conflict management. Conflict is endemic to collective enterprise. When conflict is managed on the basis of mob rule, community breaks down, and interactions become unpredictable. In such circumstances interactions will be defined by unpredictability and pathological suspicion.

The greatest advances in human social development can be attributed to the emergence of values and institutions that provide a basis for reliable and consistent interactions. Submission to law and order represents the sacrifice of the right to gratify urges, to ensure that others will do the same. We submit to external controls to ensure that others will do the same. We grant ‘The State’ a monopoly on violence. We submit to rules we don’t necessarily agree with, as we recognise that the general system in which human behaviour can be regulated and ideally ‘optimalised’ is dependent on everyone doing so.

The ‘state’ as such refers to this ‘state of affairs’. We recognise that our own well-being is dependent on a collective submission to law and order, and respect for the rights of others to well-being. We recognise that we need various kinds of ‘police’ and courts to enforce the laws. Punishments are distributed to provide a cost in the cost-benefit analyses of individuals who would otherwise behave in ways not socially desirable or necessary. In many cases a cost must be imposed to outweigh the perceived ‘benefits’ of the satisfaction of selfish desires.

## **A brief overview**

Research into the phenomenon of mobbing in the workplace began in the 1980s. The phenomenon had earlier been identified in relation to school children. Mobbing usually involves a group of people systematically 'ganging-up' on an individual in long term recurrent hostile and malicious acts of collective bullying and victimisation.

## **An initial 'objective' conflict**

The mobbing scenario usually begins with an objective conflict. The power relations within this conflict can be a function of formal managerial power, or of informal 'majority-mob rule'. Often an individual supervisor, management in general, or a group of co-workers, seek to have their 'opponent' adopt informal work practices, behaviours, or attitudes, which are in fact contrary to the organisations stated formal codes of practice, OHAS regulations, and criminal law.

## **The victim's work performance is 'sabotaged'**

The opponent becomes a victim when, failing to submit to this power, they are excluded and isolated by the group, and 'targeted' for victimisation. Their work relations, and work performance, can be sabotaged through a range of acts. 45 such acts have been identified. These acts are intended to drive their victim to either submit to the 'majority-mob rule', resign, or be fired. The victim is unable, due to ongoing victimisation and psycho-terror, to function effectively.



## Intimidation

Trivial mistakes which would in other circumstances be overlooked, are reported, and the victim is formally warned, as a means of intimidating them into submission. They are threatened with dismissal if 'the problems persist'. The problems referred to are not the trivial work inadequacies, they are the lack of conformity or submission to the 'mob-rule'.

This will not be reported or documented in any form for investigators or researchers to 'uncover'. What will be reported will be any and all possible negative comments that could be made about the victim, even where all these very same comments would apply to every member of staff in the same work-area. Where the victim lodges formal grievances and any investigation follows, all that will be documented will be the propaganda that was initially used as threats and intimidation to get the victim to stop 'rocking the boat'.

Investigators will only find evidence of mobbing where they set out to find it. It will be easy for any less than genuous and / or rigorous investigators to determine that the victim was in fact fired due to performance problems. There will be no overt documentation of the mobbing that produced these performance problems. In a teleological irony typical to the whole mobbing experience, the original criticisms raised against the victim aimed at intimidating them into compliance with the mob rule will later be used as evidence of long standing performance and / or character defects on the part of the victim.

Where that victim had been previously victimised, this will once more be used against them. A victim's previous rape will be used to claim that there must be something about the victim that leads people to rape them. Investigators will seek to find what it is about the victim, what responsibility they have, what it is that they do, that leads to them being raped. The investigators will 'investigate' the victim, rather than the perpetrators. This is easier. It is easier to blame the victim, than to go about interrogating the perpetrators.

## **Sick leave and stress leave used as a pretext for 'medical' appointments**

The range of psychological and psycho-somatic symptoms the victim suffers as a result of the mobbing process often result in short and long-term sick-leave being taken. This symptomatic illness is used against the victim, as a pretext to seeking 'medical' solutions to management incompetence and lack of ethics. If the 'problems' can be blamed on some medical condition, then there will be no need to look any further. See no evil! And any evil heard can be attributed to the 'medical condition' of the speaker. As such management will not have to 'speak' any evil. The problem can be defined as arising from some medical condition that the victim has, rather than be located within the management's sphere of responsibility.

## **The victim is defined as a 'problem' and as 'having problems'**

The reported 'inadequacies' of the victim, and their health problems, are used to define the victim as either incompetent or 'medically unfit for service'. The very fact that they are being targeted for exclusion and victimisation by others is used against them as evidence that they are 'unable to fit in as part of the work team'. This is another dimension of the absurdly ironic teleology of mobbing.

## **The victim becomes a 'scapegoat'**

Management prefer to remain ignorant of problems. The problems are a function of their own incompetence, failure, and general poor management of workplace relations and design of the work process. In order to deny accountability for problems, they adopt the administrative expedient of defining the victim as 'unfit for service', 'medically insane', or as 'not being able to fit into the workplace'. It is easier to blame the victim, than to address conflicts and accept responsibility for what is essentially a management problem. As such, the organizational problems are 'medicalised' or 'personalised' as the problems of the victim. The 'problem' is simply 'eliminated', by expelling the victim by one means or other. The messenger is killed! 'Management' at all levels have a history of blaming the messenger for bad news!

## **Similarities between mobbing victims and rape victims**

The victim is further victimised by the processes and procedures in place for putatively dealing with mobbing, and seeking natural justice for victims. Their experience is similar in ways to that of rape victims. Both victims are essentially blamed for becoming victims, and are expected to prove their own 'innocence' of provocation or personal responsibility for their victimisation. Both sets of victims often suffer Post-Traumatic Stress Disorder (PTSD).

## Medicalising poor management

The symptoms of the mobbing process are often defined as symptoms of some medical condition that the employee brought to the workplace, a so called 'pre-morbid personality' rather than as conditions arising out of the mobbing process itself. Given that most victims had not undergone any psychiatric assessments before the mobbing process began, it is impossible to compare their current condition with their pre-mobbing condition. Of course management would prefer to be able to blame the victim's personality, some putative 'mental health problem', in order to deny accountability for themselves, and any need to investigate the mobbing.

Non-ethical and incompetent management usually passively or actively collude with the mobbers. They seek, and get, medical diagnoses of depression or anxiety, or of any of the various medical consequences of the traumatic mobbing process, to define the 'difficult' victim as 'unfit for service', and 'medically retire' them.

In any case, the victim can simply be fired on the grounds of poor performance or 'inability to function as part of a team'. Implicit in such performance criticism is the statement that employees are expected to 'go along to get along'. Victims of Nazi persecution, according to this definition, are responsible for their own persecution. 'Mitlaufen' demonstrates team work!

## **Behaviours which may lead to the victim being 'targeted'**

The victim is often the purveyor of a higher morality, greater integrity, higher work ethic, a greater competence, a greater ambition, more well developed sense of justice, a greater commitment to positive principles, a higher level of conscientiousness; than the 'mob' that persecutes them, and the management that either actively assist them, or passively fail to intervene.

Employees are often targeted because they fail to join in with unofficial behaviours which they consider destructive or unproductive. Many have become a 'threat' to co-workers and supervisors as a function of their greater motivation, conscientiousness, ambition, competence, creativity, intelligence, or diligence. Through their positive characteristics they implicitly threaten to 'show-up' co-workers or supervisors. Their positive qualities are resented or envied, or seen as 'threatening'.

## **The true systemic or structural sources of mobbing**

No research to date has been able to define a typical victim or perpetrator profile. This is because it is the way in which conflicts are managed in organisations that determines the prevalence of mobbing, rather than any characteristics of the participants in the process. It is the context, the situation, the environment, which determines whether conflicts will develop into mobbing processes. As all human interactions involve conflicts of interests between participants, conflict is endemic to interactions. The question is whether these conflicts will be managed positively and productively or allowed to develop their own momentum and dynamics, and result in mobbing.

Rather than be forced to confront endemic, systematic organisational and management shortcomings, management often prefer to simply destroy the 'proof' of their incompetence or poor management. Many managers and organisational cultures are hostile to identifying real problems. They maintain a 'head in the sand' mentality, that of ostriches, and the famous three monkeys who "see no evil, hear no evil, and speak no evil".

There is an ever growing consensus amongst mobbing researchers and commentators that this is in fact the true source of mobbing. Research indicates that mobbing is a symptom of dysfunctional, hostile, and toxic workplace cultures, and occurs more often in poorly run organisations, where roles and responsibilities are poorly defined, where work is complex, goals ambiguous, best practice debatable, and market discipline far away (Sources of mobbing). Many researchers have noted that the public health, education, and social welfare sectors are overrepresented in epidemiological studies on the prevalence of mobbing.



## Challenges for further research and conclusive findings

Demonstrating many of these arguments is intrinsically difficult. Most medical diagnoses or descriptions of symptoms are made only after mobbing has advanced to the point of it producing its own symptoms. It would only be possible to provide positive data by running long term studies of employees, beginning well before they encountered any mobbing, in order to control for any potential effects of the victim's and perpetrator's 'personality'.

Descriptions of victims are either biased by being self-reports of victims, the self-reports of mobbers, or the reports of supervisors or management. These are all problematic sources of information. Each group will have its own motivations, biases, and selectivities. Individuals will wish to define themselves positively, mobbers will wish to define them negatively, and management will seek to blame the victim, or the perpetrator, or to medicalise the problems, in order to avoid being held accountable itself, in order to deflect and distract attention away from systemic problems, in order to 'mystify'. This is why management and mobbers usually work, even if tacitly, 'hand in glove', when it comes to avoiding identifying and addressing the true sources of mobbing.

It will be necessary to gather personnel records of on-going performance evaluations, to get some idea of how the victims were perceived of by their supervisors and co-workers before the mobbing process had taken root. Unfortunately the same management who wish to destroy evidence of systematic problems in their management are unlikely to provide the very same sort of evidence, evidence that would direct interrogations towards their own management, and away from the victims or even mobbers.

Consensus is emerging that the best way to prevent mobbing from emerging is to deal positively and constructively and productively with conflict as it emerges, before it becomes personalised, and can develop the mobbing dynamics of vindictiveness and malice.

Conflict is inevitable. It is the role of management to lead people of different competencies, backgrounds, beliefs, nationalities, motivations, political and religious allegiances, social backgrounds, and so on, towards the common organisational goals. This is what they are paid for. This is why they usually earn more than those they manage. It is their responsibility to manage conflict. That is their job!

Sources of conflict should be sought out, recognised, identified, and managed. Employees must be encouraged to identify potential and actual sources of conflict, and notify management. A culture of openness to problems, of dealing with them as opportunities, must be developed and promoted by management.

Research indicates that most employees are aware that another co-worker is being mobbed. Few people are willing to risk becoming targets themselves by standing up for co-workers who are being mobbed, or by reporting incidents to management, or acting as witnesses for victims. Coworkers are usually unwilling to act as independent witnesses at meetings, for fear of becoming involved. It is not clever to stand too close to targets!

Many ultimate victims of mobbing were previously popular. Few people have the real principles required to demonstrate loyalty and to defend their earlier comrades when they come under fire. Few people care enough for justice in general, as an indivisible principle, to concern themselves with the injustices experienced by others.

It is common for people to look the other way and avoid becoming involved in other people's problems. We don't want to become involved.

And further, 'Shadenfreude' or gloating / malicious glee is not uncommon. Humans do often take satisfaction from other's misfortune.

Once an initial conflict takes on the personal character, the viciousness and vindictiveness of mobbing, sides are drawn, and most people just stay out on the sidelines. People will try to avoid contact with the victim, to avoid becoming involved, or merely to avoid having to hear their complaints.

Mobbing could never occur where management do not allow it, nor where an organisational culture existed that did not tolerate mobbing. The conflicts and meanness of human nature can only be expressed in mobbing behaviours where management turn a blind eye and a deaf ear to mobbing, and promote a policy of 'never admit to problems': 'speak no evil'.

Most people have no real knowledge about what is going on. They merely note that a particular person seems to be being difficult or troublesome in some way. Most people do not understand the mobbing process and have no empathy for the victims. They just want to get on with their jobs. Like management, most employees find the situation merely a nuisance, and want the victim to simply go along to get along, stop rocking the boat, or to leave, so they can get back to how things were beforehand.

Many people secretly envy or resent the victims for having the nerve to stand up for themselves, for being 'morally superior' or for being more ambitious, talented, or positive in some other way, and gain real satisfaction at watching the 'tall poppies' fall.

## **The costs of mobbing for victims, their employers, and society**

The costs of mobbing are many, severe, and far-reaching. Victims suffer severe, chronic, and long lasting health damage, both psychological and psychosomatic. They often become unemployable either directly due to the damage done to their health, or to their reputations. Their families suffer with their loved ones emotionally, and materially, due to a loss of material and social status. Social and economic poverty for the entire family is often the result.

Depression and anxiety, and other symptoms of Post-Traumatic Stress Disorder, can make life so unbearable that many victims commit suicide. Their victimisers are as responsible for these deaths as if they had pushed them off a cliff. Some victims will feel compelled to gain 'natural justice' by the only means available to them, physical violence.

The costs for the organisation and for society are also tremendous. The performance of the victim and work group suffers, reducing workplace productivity and effectiveness. Victims take sick leave and stress leave, and legal action against their employers for failing to address the Occupational Health and Safety issues that allowed their victimisation to take place. This involves the high costs of litigation, including the time and resources taken to respond to the legal challenges for witnesses, supervisors, and legal representatives.

Many victims end up on medical pensions, or in early retirement. Many suffer such health damage that they are never again fit for paid employment. The general level of employee morale, motivation, and performance can suffer as a result of the incidences. Many people knew what was going on, even as they did nothing. They develop less and less respect for their co-workers and management, and for the organisation itself.

The organisation loses employees who were potentially some of the most productive. The employer has to bear the costs of recruitment, of seeking, interviewing, selecting, and then training, new personnel. High personnel turnover is usually a result of the poor management that allows mobbing to occur. The employer is forced to pay staff to cover for sick leave taken by victims, and must pay sick leave entitlements.

The organisation will inevitably gain the reputation of an employer best to be avoided. The Education, Health-care, and Public Service sectors are not the first choice for the most competent, capable, innovative, creative, intelligent, ambitious, or educated workers. These are the sectors in which mobbing clearly occurs as a result of poor workplace management and organisational culture. Many researchers have noted that the public health, education, and social welfare sectors are overrepresented in epidemiological studies on the prevalence of mobbing.

The organisation will not be able to recruit the best and most capable employees, as these will seek employment elsewhere. Those that are already employed in the organisation will look for a better run organisation to work for. Staff exit surveys reveal that stress and mobbing are a major reason why some of the best employees quit.

The taxpayer is forced to pay for the medical care and social security, unemployment benefits, and invalidity pensions of victims of mobbing, and for the legal proceedings before the courts and industrial relations commissions. The society will have lost the opportunity for real value production that the victim's exit from the labor market represents. The society itself will be defined more and more by hostility and violence.

Mobbing is a form of violence, producing real physical damage and suffering, which contributes to the overall culture of violence present in our society. As I have commented in 'Socrates' cat' on many occasions, our society fails to recognise non-physical forms of violence and damage in its legal system and popular consciousness. This makes it harder to prosecute acts of non-physical violence. The lack of access to natural justice in our legal systems can provoke or even compel many people to draw political attention to their plights through acts of terrorism. It is sad that the public prefer to ignore injustice until it itself feels it has become a target.

This is in fact the very basis of terrorism. Acts of terror are meant to make everyone feel vulnerable, and therefore compel them to seek justice for everyone. Failure to seek justice in principle for all victims of all forms of

violence might otherwise lead to oneself becoming a victim. As terrorism is unpredictable, the chances of becoming a victim are equal for all members of a target society. This means that even top management and the elites are vulnerable. In general they can hide behind their power and privilege, and a legal system designed to protect these for them.

Terrorism is more egalitarian. The same management who felt smug and complacent in their power can become the next victim of 'random' acts of terror. Their power won't save them. Of course this is only true in theory, as the most powerful and privileged are in fact harder to target, and victims are usually selected for their relative ease. It is rare that the powerful and privileged are targeted directly.

In any case, as the powerful can rely on a legal system biased in their favour, this compels those who would gain natural justice into seeking it outside of the legal system, in simple acts of physical violence.

**Our Essay proper**

## What is mobbing?

Long-term hostile behaviour in children at school, the very destructive behaviour in small groups of children, usually directed against a single victim, had been referred to as “mobbing” by Heinemann, a Swedish physician. (Heinemann,1972).

Professor Heinz Leymann identified this same type of long-term hostile behaviour in the workplace. Mobbing as a workplace phenomenon was first systematically described in Leyman and Gustavsson’s 1984 report to “The National Board of Occupational Safety and Health in Stockholm, Sweden. ( Leymann and Gustavsson, 1984)

‘Ganging-up’ on someone, mobbing, bullying, harassment, and psychological terror, (Leymann and Gustavsson,1984) all refer to what in Australia is commonly referred to as bullying and ‘workplace victimisation’.

In the U.S.A and Germany, as in the Scandinavian countries, the term “mobbing” is used. The term mobbing is more expressive of the phenomenon than victimisation, for reasons that will become clearer as we consider the nature of mobbing.

Heinz Leymann has identified 45 mobbing behaviours. Mobbing is said to be entrenched when at least one of these activities occur at least once a week for six months. These mobbing behaviours include preventing the victim from effectively participating in workplace interactions-including denying them access to information; attacks on the victim’s social relationships, social status, professional and private life, health and wellbeing; constant criticism both work-related and personal; verbal aggression; insults; threats; ignoring or avoiding contact with the victim; denying the victim any chance to express themselves or communicate generally; isolation either through avoidance and exclusion from interactions or physically removing them into an isolated office; work colleagues told not to communicate with the victim; victim treated as if wasn’t there; victim spoken of insultingly or derisively behind their backs; rumors about victim spread; Gossip about victim; insinuations made that the victim is mentally ill; victim made fun of; victim forced to undertake psychiatric assessments; victims political or religious etc views made fun of; racism; sexism; actions taken to ruin the victim’s self esteem; decisions made by victim constantly questioned; victim not given any work to do, or given dangerous etc. work, or work they are not qualified to do, or which is well below their ability position etc; supervisors constantly change the task-description, giving constantly new tasks, and never letting them finish the ones previously assigned, and then criticising them for not having met their task description; assignment of work well above the abilities or position of the victim to ensure that they fail; threats of physical harm; actual physical harm; damage done to victim eg let car tyres down; sexual harassment. (FOCUS online,45 Mobbing-Handlungen, from Leymann’s Mobbing Encyclopedia)

Mobbing refers to hostile behaviours directed at systematically isolating, excluding, and disempowering an individual, the ‘underdog’, until they become helpless and defenseless. This maltreatment results in mental, psychosomatic, and social misery, and produces an extreme impact on the health of the victim. This results in sick-leave, medical retirement, early retirement, ‘stress-leave’, and often Post-Traumatic-Stress-Disorder PTSD. ( Leymann and Tallgren, 1989)

Leymann’s definition of mobbing excludes temporary conflicts, focusing on the point where the ‘psychosocial situation’ produces psychiatrically or psychosomatically pathological conditions.(Leymann and Tallgren,1989)

It is sadly ironic that victimisers abuse the very conditions that are symptomatic of their victimisation to further victimise their victims, by ‘medicalising’ the conflict and emergent problems as symptoms of an endemic medical condition of the victim. In other words, they, in an act of ultimate teleology, blame the problem on a putative a-posteriori medical condition of the victim, the very same condition that they themselves produced in the victim through their mobbing behaviours.

Even sadder, more disappointing, and for many people perhaps more surprisingly, government contracted psychiatrists play along with the mobbers, and the ‘three-monkey-management’, and are quick to identify the symptoms of victimisation, of mobbing, as personality defects of the victim. They are in fact the result of the

mobbing process, but are defined by those with the power to do so as the 'cause' of the problems in-Toto! The practice of "HealthQuesting" is the deliberate exploitation of this state of affairs.

The N.S.W Dept. Of Education, among other poorly managed government organisations, has a history of adopting the administrative expedient of having whistleblowers, and other 'difficult' employees, those who might direct attention towards poor and destructive management practices, defined as mentally ill, and unfit for service, so that they can medically retire or annul them.

The management of these organisations do not interest themselves with the victim's human rights, in human rights in general, or the loss in human resource terms of these employees, who, as we shall see, are usually the most motivated, ambitious, conscientious, hardworking, and competent employees in the organisation, with the greatest potential to contribute to the organisation. Of course such character traits represent a threat to the bulk of the poorly motivated, lazy, self-seeking, incompetent management of the organisation.

In fact earlier research into the phenomena of mobbing made the same mistake, what Markus Rehbach (Socrates' cat, 2003) refers to in terms of the 'level of composition' adopted, and the implicit assumption of cause effect ideologies, by taking the symptoms that the mobbing victims present with as being the 'cause' for the mobbing in the first place. More rigorous interrogations of the phenomenon of mobbing have led to a consensus among genuine mobbing researchers and commentators that the victim is not to blame, and that in fact no general victim 'profile' can be made.

In this sense, we define mobbing from the approach that the victim is the victim, and the mobbers are the perpetrators. Further, the poor management of the organisation, the "psychosocial work environment" (Leymann,file 00002e) is a necessary pre-requisite for mobbing to take place. As such, profiling mobbers and organisational cultures will be more productive than profiling victims, in both predicting the emergence of the mobbing phenomena, preventing it, and dealing with its consequences.

If we wish to optimise our human resource potential, promote the values of fairness and justice in our community or social life, and avoid the tragedy of mobbing for the individual victims, then we should focus on the mobbers and the organisational culture as the source of the problem, the psychosocial situation, and consider the medical symptoms of victims only in terms of suffering that we wish to avoid, to alleviate, and with reference to the rehabilitation of the victim.

Professor Leymann has treated about 1300 victims of mobbing, as a practicing Psychiatrist. His treatment program became politically unpopular and his clinic was shut down. His treatment program recognised his patients as victims of poor conflict management and unethical organisational cultures. This approach represented a direct threat to the government, as it defined them implicitly as responsible for the problem. It is much easier to 'scape-goat' victims than to address systemic problems and failures within the government and other organisations, even the society in general.

To quote the good Doctor-"...the Swedish health care system became quite irritated by our social-anamnestic technique. This technique of situational analyses provided rich information concerning each case, and shed light on illegal and quite often criminal activities to which victims had been subjected, mainly by the employer, the labor union and the health care system. It is of great importance that we describe this boycott of the clinic by the Swedish health care system, as these tendencies have also arisen in other countries."

I am convinced that the success Dr Leymann had in rehabilitating victims of mobbing was due to the fact that he validated the reality of their experience, identified the real sources of the problems, poor management and toxic organisational cultures. This was also what placed him in a position to help people deal with their experiences positively and productively.

The terrifying alternative to such an approach is to invalidate the victim's actual reality, and to therefore implicitly define them as mentally ill. This is the criminal intent of many criminal managers, governments, and mobbers; to have the victim denied reality, denied the basic security of being able to trust their own perceptions of reality, denied any possible trust of their fellow humans; to have their victims denied the truth about what

happened, the truth about themselves. All this merely to pursue some mean and base motivations, or to avoid facing up to systemic problems and responsibilities!

This is why many informed and intelligent people have a great fear of the abuses that psychiatry can be put to. This fear has been so often well founded that anyone must be extremely wary about dealing with that profession. The effectiveness of therapy is based on trust. It is sad that many people who would benefit from therapy never gain that benefit due to the risks associated with placing trust in a profession that has so often betrayed this trust. It is terrifyingly ironic that this valid mistrust can be defined as mental illness in itself! Those therapists who have done the dirty work of Nazi's, Bolsheviks, Stalinists, Maoists, and Government Departments including the N.S.W Dept. of Education, have done immeasurable damage to our human potential.

At this point we might consider what the term 'scape-goat' actually means. In German the term is "Suenden-bock", which refers to the animal that is sacrificed by the priests to assuage the putative god's putative anger at their believer's failure to observe religious dogmas. The priests sought out the most 'innocent' to sacrifice. This is why virgin females were the most common victims. Of course the priests would never sacrifice themselves! The priests were the leaders. The leaders would not take responsibility for their own failures! That is why they have power, to pass the 'bock'.

The modern equivalent of this practice is mobbing, and 'scape-goating'. If you define something within an organisation as a problem, one which management or your supervisor are responsible for, then you represent a threat to those people. They can either take responsibility for the problem and address it, or simply deny the problem, and claim that you are the problem, or simply mentally ill. It is easier to deny the problem, and kill the messenger.

Unless the greater society or higher management become involved in this conflict, and weigh in with their power on the side of the victim, the victimisers will be able to abuse their power over their hapless victim. The innocent will be sacrificed. The problems they directly identified, or which became apparent due to the conflicts that emerged from them, will go unaddressed. The opportunity to improve the organisation will be lost.

The costs in terms of human suffering, and the denial of the chance to develop human potential, will be immeasurable. Our society will be immeasurably poorer and weaker as a result.

The 'attribution psychological theory' describes why society wishes to blame the victim (Leyman,file00002E). However, to quote Leymann (file 00005e): "No personality traits shared by victims have thus far been detected in research. The causes of mobbing are to be found in the social structures and power structures that are dominant in the workplace organisation." And further: "...research thus far has always detected serious organisational problems. Organisational disorder and poor management automatically cause conflicts. Some of these conflicts exaggerate opposing views (most often because of a power struggle), and end up by designating a scapegoat, or "loser"..."



## **What are the motivations for the mobbers?**

Inter-personal conflicts. Real conflicts over material benefits re: competition for limited employment and advancement opportunities.

Is there a typical profile for persons more likely to become victims of mobbing?

Leymann (file 32170e) notes that it is of course impossible to evaluate the victim's original personality after the mobbing process has taken place, and the symptoms of this process have taken root. As we have considered earlier, given that the first instance at which mobbing victims present themselves to a psychiatrist is after the events which have changed their personality, it would be easy for the psychiatrist to define this personality as the reason for the person's work related problems (Leymann and

Gustafsson,1996), rather than apply real intellectual rigour and see that the personality is in reality the outcome of the mobbing process.

For this reason some professionals still maintain the ignorant belief that the victim's "pre-morbid personality" is the 'trigger' for mobbing situations. However no empirical research has ever been able to connect the mobbing situation with a victim's personality. It is not possible to profile the victim! There is no 'mobbing victim profile' to be made. Research into child mobbing in schools (e.g. Olweus,1993) has also failed to show any such connection. (Leymann,file32170e). Personality theories are not very valid for analysing the reasons for mobbing. (Leymann,file12310e)

## Is there a typical organisational profile in which mobbing is more likely to occur?

Poorly managed ones. The problem is there are no problems.

Analyses of around 800 cases show an almost stereotypical pattern (Becker 1995; Kihle1990; Leymann 1992b; Niedl 1995). In all these cases, extremely poorly organised production and/or working methods and an almost helpless or uninterested management were found.

(Leymann,file12310e) [http://www.medicine-worldwide.de/krankheiten/psychische\\_krankheiten/mobbing.html](http://www.medicine-worldwide.de/krankheiten/psychische_krankheiten/mobbing.html) :

The authors of this web page place the responsibility for mobbing within the workplace organisation, the leadership style, and the corporate culture. They propose a range of organisational failures that encourage mobbing. These include stress produced by unrealistic time pressures, rigid hierarchies or great responsibility with too little authority to respond flexibly, and generally poor work organisation. They claim that the latest research indicates that in around 70% of mobbing cases, supervisors are responsible for mobbing, simply to bring particular employees to resign. In around 80% of cases we can assume that management shared responsibility for mobbing, either due to a lack of leadership ability, or an unwillingness to confront mobbing/conflict. In part the mobbing process was accepted by witnesses and misunderstood as a competitive selection process. In some cases mobbing and the resignation of victims was viewed as an easier alternative to 'downsizing' or laying workers off. Often the mobbing process simply went unnoticed by management until it was too late.

The authors also consider that some victims are easier prey than others, as they could more easily be isolated than others, due to their nationality, disability, social status, or lack of social skills.

The general corporate culture can allow conflicts to develop their own dynamic, independent of any deliberate conspiracy on the part of the perpetrators. Where the organisation does not condone any sort of mobbing behaviours, they will be quickly identified and stopped before they can do any real damage. Only in organisations that take the welfare of their employees lightly can conflicts develop into mobbing and take root.

Mobbing appears to be partly a result of ever increasing performance pressures and competition in the workplace for ever fewer jobs and opportunities for promotion. ([http://www.medicineworldwide.de/krankheiten/psychische\\_krankheiten/mobbing.html](http://www.medicineworldwide.de/krankheiten/psychische_krankheiten/mobbing.html))

The mobbing process is seen to originate in some work related conflict. This initial catalyst however drops more and more into the background, as the situation becomes more personal and vindictive in character, and personal objectives are pursued.

The victim becomes more and more isolated as they are avoided or slandered.

The victim responds to this treatment with withdrawal, mistrust, or aggression, which serves to increase their distance and isolation from their colleagues. The victims work performance suffers as a result of poor concentration and a lack of team support, and they may take sick leave due to psychosomatic health problems related to their victimisation at the hands of the mob.

The victims get warnings from their supervisor concerning performance problems. The victim ends up resigning out of resignation in light of the unbearable suffering they are forced to endure, or they are fired on some pretense. The health problems resulting from the mobbing experience result in many victims taking early retirement, or a medical retirement.

A mobbing process is most likely to develop where the manager becomes actively involved in a conflict, and/or where the manager simply denies that a conflict exists. Together with poor work organisation, these are the main reasons for mobbing processes to develop in the workplace. (Adams,1992; Kihle,1990).

The following ‘mobbing dramaturgy’ is sourced from ([http://www.dgb.de/themen/mobbing/mobbing\\_02.htm](http://www.dgb.de/themen/mobbing/mobbing_02.htm) ).

In its early stages, mobbing is most often a sign that a conflict concerning the organisation of work tasks has taken on a private touch. When a conflict is “privatised”, or if the motive behind its further development begins to develop into a deeper dislike between two individuals, then the failure of management to step in and resolve the objective conflict is the point at which management have failed in their obligations. (Leymann,1993b).

The problem with the original conflict might be that it is insoluble, but more often the problem is merely that management do nothing to solve it! As the conflict becomes more personal the original conflict falls more and more into the background as the situation escalates into one of mobbing. Out of the objective conflict, a personal confrontation develops.

The mobbers then think out ways to hurt their victim. At this point the victim may be popular and well liked. However in the second phase the victim becomes an outsider, due to the treatment dealt out to them (see the 45 mobbing behaviours). No-one wants anything to do with them. No-one wants to become the next victim. No-one wants to risk their own heads, so they avoid the victim. The victim is now isolated, and vulnerable to further mobbing attacks.

The victim changes too, becoming unfriendly, mistrustful, cautious, dark, and possibly defensive/aggressive, or withdrawn and downtrodden. All of these responses are perfectly normal and to be expected under the circumstances. As the mobbing continues, the victim becomes less and less able to initiate contact with work colleagues. The victim would require a show of trust from colleagues. In fact their work colleagues withdraw even further, increasing the distance and mistrust, as they feel uncomfortable around the victim. The victim is now ‘different’. The chances of the victim managing to get out of this situation by themselves is now very small.

The humiliation the victim has endured at the hands of the mobbers, and the lack of any support or help from colleagues, is now followed by the third stage. The victim has become a problem. The victim often has problems concentrating, makes mistakes, and due to the psychosomatic health problems resulting from the mobbing process, takes a lot of sick-days. The manager warns the employee about these problems. The victim ends up being officially warned about some small thing that in normal circumstances no-one would have bothered saying anything about. In fact management are merely looking for any excuse to get rid of the victim. All of the injustices committed upon the victim seem almost unbelievable.

The behaviours that make up mobbing cannot be addressed through the legal system, as they do not fit into the normal categories that courts and judges deal with, or are impossible to prove. They do not meet the formal definitions that the legal system works with.

By now everyone in the organisation ‘knows’ that the victim is a ‘problem’. Something is wrong with the victim! The victim’s reputation follows them wherever they go, even to another department or division in the company. The victim is defined as ‘difficult’. They are a ‘problem’.

Advanced cases of mobbing almost always end with the victim becoming unemployed. They either quit themselves, out of pure frustration and desperation, unable to put up with the mobbing any longer, or they are fired, under some pretext, by the employer.

Some of the mobbing victims suffer such strong psychosomatic illnesses that they end up on sickness benefits or invalidity pensions.

For most of the victims, a new start to their careers is virtually impossible, as they are so physiologically and psychologically damaged, that they cannot meet the demands of the working world any longer. In any case, their reputation has been ruined so badly that they cannot find employment in their profession. They don’t have references. No-one wants to employ a ‘difficult’ person! ([http://www.dgb.de/themen/mobbing/mobbing\\_02.htm](http://www.dgb.de/themen/mobbing/mobbing_02.htm)).

The following refers to “Mobbing and Personalfuehrung-Vorstellung des Personalrats Dahlem (Mobbing and leadership-presentation of the personnel committee of Dahlem) <http://www.fu-berlin.de/prd/mobbing.html>.

People seek to beat the competition, to dominate, to gain advantages, to gloat over the misfortune of others, to feel self-righteous as a function of belonging to the majority. The sense of righteousness and power arising from belonging to the majority often encourage meanness and pettiness, the belittling of 'outsiders' who are 'asking for it' just by being different, by being the 'black sheep', the 'lone wolf'. How dare anyone be an individual, be different from 'us'. So begin behaviours that isolate and harm the selected 'victim'.

Management will pay attention to mobbing only when it is seen to limit work performance. Of course the sociologist, humanist, or OHAS specialist is seeking a 'humanisation' of the 'corporate culture'. Management have taken the responsibility for managing the human resources of the organisation, for leading them to meeting the objectives of the organisation. They have responsibility "for everyone", and so often accept the notion of 'majority rule', and willingly sacrifice anyone that majority has excluded, to 'keep the peace'.

It is much easier to go along with mob rule than to fight for the justice of the individual victim, and thereby risk further conflict with the majority. Of course this sort of manager has no real ethics or principals. They merely take the path of least resistance, and accept the sacrifice of the innocent for the sake of 'harmony'. They will either find some way to justify the victimisation, or merely ignore it. They can appeal to the notion of 'democratic rule', and thereby accept mob rule as legitimate. What can they do? (I have heard this often enough, as if the supervisor or manager is powerless to do the right thing, and to direct others to do the right thing!)

In fact leadership is based on social competence. Social competence excludes the acceptance of mobbing. A rejection of mobbing must be a prerequisite for any leadership position. The personnel committee believe that the response to mobbing should be to focus on the source of conflicts, and not to punish the guilty. Each case must be considered on its own merits. A co-operative leadership style must be fostered within the organisation, all management coached and trained in co-operative leadership, and a greater sense of responsibility for the well-being of all employees must be instilled in all management.

Workplace agreements must be agreed on, in which mobbing/conflict management would be officially promoted, with mobbing advisory and counselling services available for all employees. To encourage the identification and resolution of problems and conflicts, the agreement will abstain from ascribing fault to any party involved in conflict resolution. Being wrong will not have a cost, and therefore there will be less to lose by admitting to being wrong, or to having made a mistake. This will encourage people to own up to failures, and allow them to be validated and addressed. (Rehbach, 2003) How widespread is mobbing?

## **Epidemiological Findings.**

Heinz Leymann's (Leymann,1992a,1992b,1992c) research indicated that any particular individual had a 25% chance of being mobbed for at least 6 continuous months during their working life. 3.5% of the sample had reported being mobbed. Mobbing appeared to be more common in the fields of education, health-care, childcare, and religion. 14.1% of interviewees active in the education sector, which made up only 6.5% of the total, reported having been subjected to mobbing. This tendency is recurrent in a study of patients at a Swedish "mobbing clinic". (Leymann and Gustafsson,1996). Leyman believes this can be explained by poor management, organisation, and work task and content management in these workplaces. Leymann notes that these workplaces employ more women than men.

## **According to the German Organisation of Labour Unions**

(Gewerkschaftsbundes), and a new study by the State Institute for Social Research in North-Rhein Westphalia (Landesinstituts fuer Sozialforschung von NRW) (2002), around 1.5 Million German workers experience mobbing at their workplace. The authors anticipate that the worsening economic crisis and increasing unemployment will produce an increase in systematic mobbing. Around 60% of the employees who resign, give mobbing type experiences as the reason. A survey indicated that 27% of the gainfully employed admitted that their performance had been hampered by mobbing. 16% of all mobbing victims were in a management position. The Network of mobbing self-help groups in Germany reckons that the risk of becoming a mobbing victim is particularly high in the fields of Education, social welfare, health, public administration, and in large private corporations.

([http://www.medicineworldwide.de/krankheiten/psychische\\_krankheiten/mobbing.html](http://www.medicineworldwide.de/krankheiten/psychische_krankheiten/mobbing.html))

## What are the costs of mobbing?

Leymann (file 15100e) states that as the concept of mobbing is relatively new, actual research results concerning the costs of mobbing to organisations are not yet available.

Days off, resignations, early retirement, medical retirement, reductions in Quality, and damage to public relations/goodwill/corporate identity, all generate huge costs for organisations. The performance and productivity of victims is also greatly reduced even while they are at work.

([http://www.medicine-worldwide.de/krankheiten/psychische\\_krankheiten/mobbing.html](http://www.medicine-worldwide.de/krankheiten/psychische_krankheiten/mobbing.html))

Research has been done by Toohey (1991) into the costs of stress-related illnesses for the Australian society. Toohey notes that employees who had been subjected to very poor psychosocial work environments were diagnosed as suffering from “stress”, thus ‘medicalising’ the problems as the medical problem of the individual, rather than as results of the poor working environments which actually produced the symptoms diagnosed as “stress”. Toohey rightly criticises this focus as distracting attention away from poor management practices, poor work organisation and poor working environments. The real problems, those with the organisation, are not addressed by personalising problems. No solutions, therefore, are actually sought, and are of course never found. In other words real opportunities for improving the workplace and the world in general are not realised. (Rehbach, 2003).

The Vocational Rehabilitation Act (AFS,1994) passed in Sweden aimed to transfer the costs for rehabilitating employees to the source of their health damage, their employers. The huge costs of poor management would otherwise have been borne by the state. This reflects a recognition by the law makers that employers are responsible for mobbing. By forcing employers to bear the costs of their poor management, the legislators were providing an incentive for organisations to improve their workplaces. Leymann (file15100e) quotes the Swedish National Board of Social Insurance as stating to him in 1993, that “every third to fifth early retiree over the age of 55 had suffered from extensive mobbing”.

Leymann’s (1987) research indicated that 10 to 20% of mobbing victims go onto contract serious illnesses or commit suicide. Leymann argues that every 6th to 15th suicide in Sweden may be the result of mobbing.

Mental injury and damage to the victims professional reputation can prevent a victim from ever re-entering the workforce. (Leyman and Gustavsson, 1984)

The psychological pain, anxiety, degradation, and helplessness, that lead to Post Traumatic Stress Disorder injuries, can be compared with those suffered by raped women. (DAhl,1989). In the same way that victims of rape are further victimised by the process of seeking natural justice, the victims of mobbing suffer what Leymann (1989) refers to as “traumatizing consequential events”...“traumata provoked by the way administrative instances deal with or abstain from dealing with the situation”...“violations of the subject’s rights and insults to their identities from different societal sources”...“disappointments, insults, and renewed traumas that follow the initial “causal trauma”...“the mobbed employee...suffers from a traumatic environment: psychiatric, social insurance office, personnel department, managers, co-workers, labor unions, doctors in general practice, company health care etc., can, if events progress unfavorably, produce worse and worse traumata”...“individuals find themselves in a prolonged stress-and in a prolonged trauma-creating situation...new traumata and new sources of anxiety arise in a constant stream during which time the individual experiences rights violations that further undermine his or her self-confidence and psychological health. The unwieldy social situation for these individuals consists not only of severe psychological trauma but of an extremely prolonged stress condition that seriously threatens the individual’s socio-economic existence. Torn out of their social network, the majority of mobbing victims face the threat of early retirement, with permanent psychological damage.” (Leymann, file 32100e) Post Traumatic Stress Disorder (PTSD).

Victims of mobbing can develop PTSD, and permanent changes to their personality. This change can produce serious depression and/or obsession. The following symptoms have been found by Leymann in victims of mobbing. A hostile and suspicious attitude toward their surroundings. A chronic feeling of nervousness that one is in constant danger. Compulsory fixation on one's own fate to a degree that exceeds the limit of tolerance of people in one's surroundings, leading to isolation and loneliness.

Hypersensitivity with respect to injustices and a constant identification with the suffering of others in an almost compulsory manner. A feeling of emptiness and hopelessness. A chronic inability to experience joy from ordinary events in everyday life. A constant risk of drug or psychopharmaceuticals abuse. The individual isolates him-or herself. The person shows a cynical attitude towards the world. A state of sadness, lack of initiative, low energy, low self-esteem. Persistent, repetitive and intrusive thoughts, great energy to follow goals to the "bitter end". Irritability or bursts of fury. Concentration difficulty. Tense vigilance. A feeling of not having a future; not expecting to have a career, get married, have children, or live a long life. Returning, insistent, and painful memory images. Somatic tensions (muscular tension). Dryness of the mouth. Feeling of suddenly being quite warm or cold. Frequent need to urinate. Difficulties in falling asleep or uneasy sleep. (Leymann,file32170e)



## **What can be done to prevent and deal with mobbing?**

The National Board of Occupational Safety and Health (NBOSH) in Stockholm has distributed teaching materials since 1989. NBOSH figures current at 1995 indicate that around 300 Swedish companies have used the materials. Many of the following recommendations come from these NBOSH materials. The rest stem from common Human Resource Management principles.

## **Prevention.**

Training in conflict management for all managers and supervisors. An organisational culture must exist in which the costs of mobbing to the organisation are recognised. The productive and positive identification and management of mobbing must be seen as a “critical success factor”. Protocols for dealing with conflicts that have already reached critical levels must be institutionalised.

## Early intervention.

Specially trained Mobbing officers should be designated, and delegated enough authority to confidently deal with mobbing cases. They must be trained to identify the indicators of the risk of mobbing developing, and have the authority to intervene when potential conflicts emerge, to prevent them escalating into mobbing. They would need to be independent and have extraordinary powers. Ideally they would have a direct relationship with top management. This will encourage an organisational culture of positive and productive management of conflicts and 'problems'. Without the support of top management, mobbing will never be identified and effectively managed. The elimination of mobbing must be defined as a key element in the organisation's code of ethics.

As we have seen, mobbing is usually associated with poor management. The presence of mobbing is an indicator of poor management. This is one reason why management prefer to blame the victim. By blaming the victim they are attempting to deny their own responsibility. 'The problem is there are no problems', defines this organisation (Rehbach, 2003). During the initial phases of the introduction of an anti-mobbing culture, it should be expected that lower and middle management will deny that any problems exist, and seek to prevent any information about mobbing to reach higher management.

Higher management must include positive responses to the identification and management of mobbing in the performance indicators of all levels of management. The identification of problems must be defined as a critical success factor and performance dimension. Rather than focus on punishing managers that have allowed mobbing to take place, a more positive approach should be made. The identification of problems must be rewarded, rather than punished. Management must take responsibility for mobbing, rather than blame the victims.

The identification of mobbing and potential conflicts must be seen as positive, as chances to improve staff effectiveness, morale, motivation, well-being, and therefore ultimately productivity and task focus, that is, effectiveness. The recognition of an incident of mobbing should be seen as analogous to the recognition of the death of a canary in a coal mine, as an indicator that something in the organisation can be improved.

As such, 'problems', and more ideally, potential problems: ones that have not yet manifest; provide the most valuable information for human resource managers. Human resources are recognised by the most effective managers as the ultimate resource of any organisation. It is common that a lack of vision and positive attitude to problems means that management fail to recognise the true potential of their human resources, and fail to realise it. In this way they never identify the 'opportunity' costs. They may feel their organisation is doing o.k. What they fail to see is how much better it could be doing.

Sooner or later the competition will change their organisational culture, identify problems as opportunities to improve things, and realise the true potential of their human resources. It is sadly only then that many organisations are forced to take an honest look at themselves. Worse, many organisations operate in the absence of true competition e.g. Government institutions, and therefore will never be forced to reform their organisational cultures.

## Rehabilitation.

The victim of mobbing must be supported. The mobbing scenario must be investigated, and clarified, to determine how the original conflict arose and how it became a mobbing incident. The mobbers must be identified and educated. The situation must be analysed, to see what it was that led to the incident, what endemic conflicts exist, to identify potential future risks and opportunities. They must be defined as a victim. At present most mobbing victims are further victimised by being blamed for becoming a victim. This is often an administratively expedient way for incompetent management to deny their own responsibility, to shift the blame from poor management and organisational cultures onto the victim.

Of course mobbing victims are often “whistleblowers” who have become the messengers of unpopular or difficult news about particular employees, or the organisation in general. Often middle management simply silence the individual with threats, and where the individual persists, carries out these threats. It is easy for supervisors and co-workers to destroy an individual’s reputation, to lie, to distort the truth, to have an employee dismissed.

It is not uncommon for management to seek to have a difficult employee defined as ‘unfit for service’ and ‘medically retired’, using bogus psychiatric assessments. The N.S.W Dept. Of Education is well known for

“HealthQuesting” its employees. It is sad that these very same employees became the target of mobbing due to the fact that they highlighted systemic failures, and, therefore, opportunities for improvement, within the Education System. Similar phenomenon have occurred within the Health System.

Management deny any problems by killing the messenger of any bad news.

As they are effectively never accountable to anyone, they can get away with what a truly moral society would define as murder. It is a fact that many mobbing victims have died as a direct result of mobbing.

[Wwww.dgb.de/themen/mobbing/mobbing\\_07.htm](http://www.dgb.de/themen/mobbing/mobbing_07.htm)

This web site offers a model workplace agreement that could be adopted to prevent mobbing. The intention of the agreement would be to improve the organisational culture, so that conflicts can be used productively, and to prevent social conflicts from impacting negatively on individuals. It recommends that Moderation must be offered to conflicting parties, to resolve conflicts as they arise. Where this moderation is unsuccessful at resolving the conflict, a professional conflict resolution expert would be engaged.

For every 1000 employees, one ‘mobbing officer’ would be employed, to whom all employees could go for advice concerning mobbing. Where the mobbing officer considered that mobbing was actually taking place, they could investigate and make recommendations concerning the conflict. If the mobbing officer was not satisfied with the response of management to their recommendations, then an external expert would be engaged. The decision of this expert would be binding on all parties.

## **What legal remedies are in place to protect workers from mobbing?**

Mobbing ist keine Gewalt i.S.d OEG. Urteil des BSG – B 9 VG 4/00 R-

According to a judgment in the German courts, mobbing is not defined as a form of violence, and as such, no legal remedy is available. The courts recognise only immediate physical assault occasioning actual bodily harm. Slander and libel are criminal, however the victim has no right to any compensation for them. Further, they can only be prosecuted where the victim can prove actual and significant damage has been done to them due to the slander or libel. (Source: Bundessozialgericht, Pressemitteilung v. 16.02.2001 ). My personal experience is that the police will not prosecute even serious cases of slander or libel that have contributed to serious damages. As Dr Leymann has commented, the process of seeking natural justice is merely a continuation of the traumatic mobbing process.

This ruling is important. For physical assault, the victim has a right to 'victim compensation'. As I contend in Socrates' cat, 2003, most forms of violence are not defined as violence as such, and hence there is an extreme bias in our legal system towards physical acts, and a lack of recognition of equally damaging, perhaps more chronic, suffering resulting from non-physical acts of violence.

S.Hensel, (<http://members.aol.com/sjhensel/mobbing/>) notes that the Hessisches LAG (state court) (Az: 2 Sa 1833/99) ruled that an employer cannot fire an employee who had been on long term sick leave due to inadequate safety protection (mangelndem Gesundheitsschutz), as the sick leave could be traced back to the failure of the employer to provide adequate workplace protection i.e OHAS. The employee had told the employer that they could no longer continue to lift particularly heavy weights. The employer should have allocated the employee work suitable to their capabilities, according to the judge. The employer continued to require that the employee lift heavy weights. The employee became unable to work as a result, and ended up being paid over 50,000 German marks in sick leave entitlements. The employer wanted to fire the employee for this reason. The judge decided in favour of the employee.

S. Hensel rightly challenges the courts as to why the consequences of mobbing should not be equally upheld as damage resulting from the employer's failure to provide adequate OHAS protection for their employees, in this case failing to provide conflict resolution and to protect the mobbed employee from victimisation. If an employer fails to protect an employee from mobbing, and that employee suffers health damage and is unable to work as a result, then surely the court should protect the employer just the same as if the employee's health was damaged through any other neglect on the part of the employer to provide a safe work environment.

## Legal proscriptions and prescriptions

Sweden, Finland, and Norway legally recognise an employee's right to remain physically and mentally healthy at work. In Sweden, Occupational Health and Safety ordinances enforce internal control of the work environment on a regular basis to identify and prevent potential mobbing conflicts from emerging, direct interventions in mobbing conflicts, and vocational rehabilitation for mobbing victims. (AFS 1994:1) (Leymann, file 20100e)

Mobbing per se is not recognised in Germany in either criminal, civil, or employment law. In 2001, the Landesarbeitsgericht (State employment court) Thuringen did, however, win a case regarding, among other things "systematic psychoterror". ([http://www.medicine-worldwide.de/krankheiten/psychische\\_krankheiten/mobbing.html](http://www.medicine-worldwide.de/krankheiten/psychische_krankheiten/mobbing.html))

## In conclusion

In order for any policy against mobbing to be effective, it must have the support of top management. Top management must make it clear to all other levels of management that the positive management of conflicts, and the prevention of mobbing, are 'critical success factors'. Management must be rewarded for behaviours which positively managed conflict and prevented mobbing. It must be seen as the legitimate responsibility of all levels of management to become involved in conflict management, and to intervene in conflict escalation and mobbing incidents.

At school teachers and management found it appropriate to intervene in the interactions of their students, to manage their behaviour, and prevent poor behaviour. The role of leadership and management is to manage human interactions towards the attainment of organisational and societal goals.

Humans require regulation, to encourage them to discipline their behaviour. Without external controls, people tend to do what they find most satisfying, rather than what is right, what is in the interests of society or the organisation.

Humans often respond to feelings of envy, jealousy, frustration, and inadequacy, by victimising other humans. It is common for the smarter kids to be bullied in school. The tall-poppy syndrome is a common phenomenon in all areas of life. Left to themselves, people are capable of quite mean and nasty behaviours. This is what we refer to as 'petty politics'.

Most people will not sacrifice the spontaneous satisfaction of their baser desires unless the expression of them entails some cost to themselves. Most people would speed if there were no police and speeding fines. Most people need to have an immediate and calculable justification for moderating their behaviour. Power of whatever kind is more likely to be abused, to satisfy personal agendas, if there is no effective accountability, no clear and likely price to be paid for abusing it.

It appears that most people are happy to think, hear, and believe, bad things about others, to have others run down, and to run others down, as a way of reflexively feeling better about themselves. The simplest way to become more accepted by a group of people is to subscribe to, to pander to, to express agreement with, the negative and destructive beliefs, attitudes, and prejudices of members of the group.

Radio announcers and politicians have made millions from pandering to the lowest common denominator in bigotry, racism, sexism, nationalism, jingoism, prejudice, ignorance, and all that is mean, petty, and base in people. People are more likely to form epiphenomenal groupings out of the worst in humanity, rather than the best. It is easier to find allies for mean and base ventures than for ones based on higher principles, truth, fairness, justice and so on.

Mobs form easily, as they require no disciplined thought, no principled action. They merely require people to satisfy their base and mean urges to 'bring others down', to spread rumors, to ruin people's reputations, to cut down tall poppies, to 'level the playing field' and hurt and damage others. People happily project all their personal frustration, self-loathing, feelings of inadequacy, and any other negative feelings onto the next best victim. People seek out some target for 'venting' their own personal problems. People gain real satisfaction from hurting others. The more 'other' they are, the easier it is to target them, and to gain allies in targeting them.

Those who argue for self-regulation need to ask why we have so many laws, if we don't need them. If people were capable of interacting without rules, we wouldn't have them. If we didn't need police to ensure people observed the rules, we wouldn't spend a fortune on policing either. It is a fact that human interactions require regulation. The regulation of human interactions is the responsibility of our leaders and managers. In organisations it is the responsibility of those who are paid more to take on this responsibility. They are called managers and supervisors. They cannot deny accountability or responsibility for mobbing.

Unless people are effectively held accountable for the damage they do to their employees, fellow humans, animals, and the environment, only the few who have truly exceptional ethics and principles would do the right thing consistently. And we need to remember that few people really have the intelligence or enlightenment to see what is the right or best thing to do. This is why a minority effectively enforce their laws on the majority.

Few companies would voluntarily limit the environmental damage they did without regulation. Tobacco companies would never admit their products were deadly, or that they deliberately sought to get young children addicted to them, unless forced into doing so by lawyers and courts and judges. They would 'regulate' themselves by doing whatever they felt would increase their profits.

Even though management should be convinced by pure self-interest that mobbing is not in their interests, many will still require regulation to 'force' them into doing what is in their best interests, despite the compelling arguments in favour of a proactive approach to taking responsibility for problems and managing them.

They will of course make a virtue out of necessity, when forced to, and take credit for their changes themselves, and deny that it was a response to the coercion of regulation. Let them take credit for what was forced on them, as long as the immensely destructive culture of the denial of problems, and persecution of victims, especially 'whistleblowers', becomes a riotously unbelievable element of the history of human interaction.

In terms of social enquiry and research, what is needed is the development of a common scale or index for measuring the concept 'mobbing' and the associated 'mobbing behaviours internationally. Leymann's 45 mobbing behaviours would provide a good framework to work with.

Given the current culture of 'there are no problems', researchers will have to convince employers of the scale of mobbing by collecting case studies and fitting them into a general schema, to extract the commonalities, and clearly identify the critical points at which management can take action. The case studies will of course be biased by the self-interests of victims, perpetrators, and incompetent and/or unethical management.

As with the bulk of the most valuable of social research, intellectual rigor, aggressive and challenging interrogation, and inspired deduction will play the greater role, only to be justified and legitimated after organisational culture changes have been imposed. Only when there is a fundamental shift towards taking responsibility for problems, and a high level of transparency and thus accountability for problems and inaction, will the true scope of mobbing be 'revealed' and accessible for measurement and documentation. Only then will the forcefully compelling arguments of today be scientifically, incontrovertibly, validated.

The bulk of humanity appear to wish to live in denial of the true nature of human interactions, of the true nature of themselves. They will have to be 'enlightened' despite themselves. The intellect and experience can provide a-priori awareness, but the masses will only feel compelled to become aware when they have no escape, when they are faced with undeniable evidence. The few will have to impose the changes directed by wisdom and awareness and morality on the masses. Only after the imposition, and the revelations that the new organisational cultures reveal, will the few be validated in their assertive interventions.

As with most regulation of employers and industry, an awareness and conscientiousness will most often need to be imposed by regulatory bodies and the courts. The few will have to lift the tone of the many. This is the history of human progress.

Similar research needs to demonstrate to governments that mobbing is a form of violence, with outcomes as chronic and damaging as any other form of violence. This would allow the courts to award damages to victims, and to lay criminal charges against employers and mobbers. Many organisations only minimise the damage they do to their employees, consumers, and other 'externalities' when the costs imposed by courts in terms of damages awarded, provide sufficient motivation.

The public awareness about mobbing must be raised. Those who cannot 'behave' in the best interests of the community and society, will need to be 'motivated' through costs imposed by courts and the state. We will have to 'improve' people in spite of themselves!



The safe must be opened with the combination that is locked inside it! Once opened, the combination will be available to all to see. The proactive reformists will have to trust in their deductions of the combination, act and apply the combination, before being validated in their deductions, once the safe is opened. Of course, once the combination is laid bare for all to see, everyone will claim that it was of course obvious.

The current epidemiology of mobbing will only be revealed once victims and by-standers are encouraged to report it, and management are forced to validate it and respond positively to it.

Medical practitioners must be educated into identifying the symptoms of mobbing as symptoms of mobbing, rather than as the sources of mobbing.

The current opportunity costs will only be revealed after improvements have been made and have manifest in greater quality, innovation, productivity, and well-being.

History will laugh equally at the pythonesque qualities of the Tobacco 'debate', at the victimisation of mobbing victims, and the Witch 'trials' of the middle-ages, with the same disbelieving incredulity.

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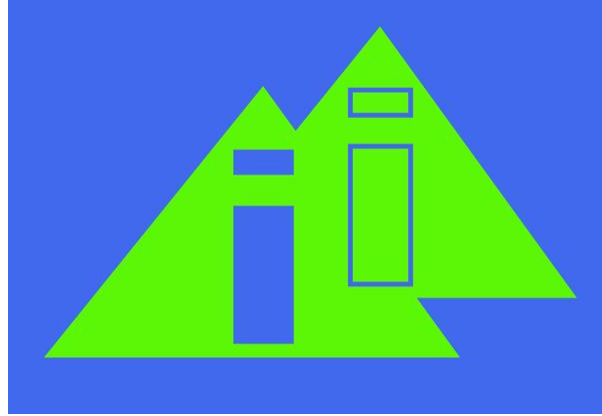
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